

## APPENDIX A: DEFINITIONS & RULES OF INTERPRETATION

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## **35-B101    Generally**

Words, phrases and terms defined in this chapter shall be given the defined meaning as set forth below. Words, phrases and terms not defined in this chapter, but defined in the building code adopted by Chapter 6 of this Code shall be given their usual and customary meanings except where the context clearly indicates a different meaning. Words, phrases and terms neither defined in this chapter nor in the building code shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

The text of this chapter shall control captions, titles and maps.

The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.

Words used in the singular include the plural and words used in the plural include the singular.

Words used in the present tense include the future tense and words used in the future tense include the present tense.

Within this chapter, subsections prefaced "Commentary" are included. Each commentary is intended as an official statement of legislative finding or purpose. Whenever a section of this Chapter is deemed to require clarification, explanation of its intent or further elaboration, that section is followed by a commentary. The commentaries have been legislatively adopted together with the formal text of this chapter. They are intended as a guide to the administration and interpretation of the chapter and shall be treated in the same manner as other aspects of legislative history.

In their interpretation and application, the provisions of this chapter shall be deemed to be minimal in nature and whenever the provisions, standards or requirements of any other applicable chapter of this Code are higher or more restrictive, the latter shall control.

In computing any period of time prescribed or allowed by this Chapter, the day of the notice or final application, after which the designated period of time begins to run is not to be included. Further, the last day is to be included unless it is not a city working day, in which event the period runs until the next city working day.

For purposes of the Landscaping Standards of this Ordinance, reference shall be made to American Nursery and Landscape Association ("ANLA")(formerly the American Association of Nurserymen), The American Standard For Nursery Stock, (1996), which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900). In addition to the definitions set forth in Appendix A to this Ordinance, the following definitions shall apply to the regulation and control of landscaping within this Section.

Words with specific defined meanings are as follows:



**100-year Floodplain**

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year and the area is designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, AO on the Flood Insurance Rate Maps.

**Abut or Abutting**

Having property lines in common.

**Accessory Detached Dwelling Unit**

A Dwelling Unit that is accessory, supplementary, and secondary to the Principal Dwelling that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling Unit is detached from the Principal Dwelling.

**Accessory Apartment**

A Dwelling Unit located within the Principal Dwelling, and that is accessory, supplementary, and secondary to the principal Dwelling Unit. An Accessory Apartment may be constructed as an attached addition to the principal use or occupied as an accessory to the principal use. An accessory apartment is located within the same Building as the principal Dwelling Unit.

**Accessory Dwelling**

An Accessory Detached Dwelling Unit or an Accessory Apartment.

**Accessory Dwelling Standards**

See § 35-371 of this Chapter.

**Accessory use or building**

A subordinate use or building customarily incident to and located on the same lot with the main use or building.

**Accessory Use Regulations**

see § 35-360 of this Chapter.

**Addition**

A completely new structure or new component to an existing structure.

**Adjacent**

Two properties, lots or parcels are “adjacent” where they Abut, or where they are separated by a Roadway or Street, Right-of-Way, or railroad line, or any stream, river, canal, lake, or other body of water.

**Adopted Level of Service**

The Level of Service (LOS) Standards adopted herein, as referenced in § 35-502(c) of this Chapter for a particular Public Facility. All Applications are evaluated for the purposes set forth in this Ordinance in accordance with these Adopted Levels of Service. The Adopted Level of Service also provides a basis for the establishment or expansion of a Public Facility or service which is subject to § 35-502(c) of this Chapter.

**Adult bookstore**

A business enterprise which has a substantial or significant portion of its stock in trade in, or which has as its main purpose the offering for sale of books, magazines, pamphlets, pictures, drawings, photographs, motion picture films or sound recordings, or printed, visual or audio material of any kind, which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or a business establishment which offers for sale books, magazines, pamphlets, pictures, drawings, photographs, motion picture films, or

sound recordings, or printed, visual or audio material of any kind, which entire business establishment, because of the depiction or description of specified anatomical areas or specified sexual activities in the materials offered for sale, is restricted to adults, or is advertised or promoted as being restricted to adults.

***Adult entertainment establishment***

A place of business where live entertainment is provided for patrons, or a portion of a business set aside for providing live entertainment to patrons, in which a significant portion of the entertainment is characterized by an emphasis on the exhibition, depiction, or description of specified anatomical areas or specified sexual activities; or a place where entertainment is provided to patrons wherein, because of the exhibition of specified anatomical areas or specified sexual activities, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.

***Adult motion picture theater***

A business place where motion pictures are shown to paying customers when such place is used for presenting material having as its dominant theme, or distinguished or characterized by, an emphasis on the depiction or description of specified anatomical areas or specified sexual activities for observation by patrons, and where admittance to such showings is totally limited to adults.

***Adverse effect***

A negative change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically, architecturally, archaeologically or culturally important.

***Advertising bench***

Any bench providing seating to the general public without charge, which may bear advertising.

***Affiant***

The person, as that term is defined herein, which assumes financial and legal responsibility for the maintenance, operation, and effectiveness of structural controls, and the performance of required monitoring of surface water, related to a development for which an affidavit is, filed pursuant to section 34-911 of this division.

***Airport***

Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking-off of aircraft, including all contiguous property thereto which is held or used for airport purposes.

***Airport hazard***

Any structure or tree or use of land which obstructs the air space required for the flight of aircraft or which obstructs or interferes with the control of tracking and/or data acquisition in the handling, taking-off or flight at any airport, or at any installation or facility relating to flight and tracking and/or data acquisition of flight craft, hazardous, interfering with or obstructing such landing, taking-off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

***Airport hazard area***

Any area of land or water upon which an airport hazard might be established if not prevented as provided in this article, and for the purposes hereof, is that area underlying or within the lateral limits of the imaginary surfaces which are within the controlled area of these regulations.

**Airport hazard zoning maps**

The set of seventeen (17) film positive overlay maps prepared by Henry Bain Engineers, Inc. These maps are intended to be used by being overlaid on the most current United States Geological Survey topographic maps of the seven and one-half (7 1/2) minutes of latitude and longitude quadrangle series, 1:24,000 scale. The overlay maps are to [be] used with the following USGS quadrangle maps, which are identified on each of the overlay maps.

- Sheet 1 Camp Bullis
- Sheet 2 Bulverde
- Sheet 3 Bat Cave
- Sheet 4 Helotes
- Sheet 5 Castle Hills
- Sheet 6 Longhorn
- Sheet 7 Schertz
- Sheet 8 Marion
- Sheet 9 Culebra
- Sheet 10 San Antonio West
- Sheet 11 San Antonio East
- Sheet 12 Martinez
- Sheet 13 Saint Hedwig
- Sheet 14 Macdona
- Sheet 15 Terrell Wells
- Sheet 16 Southton
- Sheet 17 Elmendorf

The overlay maps are adopted and made a part of these regulations.

**Alley**

A minor public right-of-way not intended to provide the primary means of access to the abutting lots, which is used for vehicular service access to the back or sides of properties otherwise abutting on a public street.

**Alteration**

(generally, as applied to a building or structure): A change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

**Alteration**

For purposes of Historic Preservation & Urban Design, Article 6, any construction or change of the exterior of a building, object, site, or structure, or of an interior space designated as a landmark. For buildings, objects, sites or structures, alteration shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; the changing of paint color; regrading; fill; imploding, or exploding, or other use of explosives or external forces. Alteration shall not include ordinary repair and maintenance.

**Amusement and recreation uses**

Establishments primarily engaged in providing amusement or entertainment for a fee or admission charge. These include dance halls and party houses; studios; theaters and cinemas; musical entertainment; bowling alleys; billiards and pool establishments; racetracks; sports arenas, rings, ballfields, and courts; swimming pools; carnivals and circuses; fairgrounds; stadiums; expositions and amusement parks; skating rinks; golf courses; horse shows; arenas, and stables; coin-operated devices and game parlors.

**Animal clinic**

A facility for the prevention, treatment, minor surgery, cure, or alleviation of disease and/or injury in small domestic animals, with all care conducted within a completely enclosed building, provided that noise or odors created by activities within the building are not perceptible beyond the property line, and that no animals are kept outside the building at any time. Overnight boarding of animals is permitted unless expressly prohibited by the zoning district regulations.

**Animal hospital**

A facility for the prevention, treatment, surgery, cure, or alleviation of disease and/or injury in small or large animals. Overnight and outside boarding of animals are permitted.

**Antenna**

Any system of electrical conductors used for the transmission and/or reception of electromagnetic waves.

**Antenna support structure**

Any structure, mast, pole, tripod, or tower used for supporting an antenna or antennas. An Antenna Support Structure includes any Monopole Antenna Structure or Lattice Antenna Structure.

**Antique**

An objet d'art or household furnishing which was not mass-produced, and was characteristic of a specific period in a specific country.

**Apartment**

See Dwelling, Multifamily.

**Application for Development Approval or "Application"**

Any application for a Development Order or a Permit.

**Apothecary**

One who prepares and sells drugs and medicines; pharmacist.

**Appeal**

An appeal to the board of adjustment where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement in the zoning article of this chapter.

**Application**

Any Application for approval of an annexation, a rezoning, or a Permit as defined herein.

**Approach-departure path**

A path for flight in a plane leading outward and upward from the end of the take-off and landing area, under which adequate areas should be located to permit a safe landing in the event of a malfunction.

**Appurtenance**

Any accessory or ancillary building, object or structure, fence, street furniture, fixture, vending machine, fountain, public artwork, or bicycle rack located on the grounds of an historic landmark, in an historic district, in the River Walk Overlay District, on public property, or in the public right-of-way.

**Archaeological**

The science or study of the material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Archaeological Resources Protection Act of 1979, as amended.

**Architect/Designers/Engineer**

A principal person or/ of the firm contracted to design the overall project to which Design Enhancements applies.

**Area**

A specific geographic division of the City of San Antonio.

**Area of Flood Inundation**

Sites that are subject to flooding as a result of water ponding in the controlled storage areas of dams, detention and retention ponds.

**Area of shallow flooding**

A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard**

The land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. This area is also known as the 100-year floodplain. The area is designated as a Federal Emergency Management Agency Zone A, AE, AH, AO on the Flood Insurance Rate Maps.

**Artist**

A practitioner in the visual fine arts, generally recognized by critics and peers as a professional of serious intent and recognized ability, who produces artworks.

**Artists Registry**

A regional, local, national and international slide and digital collection of artists and artworks used as a resource for art, art activities, and for the Design Enhancement selection process.

**Artist Selection Panel**

A group of professionals and community members selected by the Department of Public Works through the whose purpose is to select specific artists to be commissioned for each eligible project.

**Artist Services**

Professional services by artists to develop designs for artworks or other architectural, landscape or urban design components, either individually or as member of a project design team.

**Assessed value prior to preservation**

The value assessed by the city tax assessor-collector for the tax year of verification, as defined hereafter.

**Art gallery or museum**

A corporation, organized for purposes of maintaining collection of books and art works bequeathed to it and maintaining public art gallery on premises devised to it.

**Artificial lot**

An area within a building site that is delineated by the building official for the sole purpose of satisfying the requirements of this article.

**Asymmetry**

Lack of symmetry or balance of architectural features in a structure.

**"Auto and Vehicle Sales**

The use of any building, land area, lot, parcel, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory uses."

**Automotive wrecking and salvage yard**

A business that stores three or more wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

**Aviation industry facility**

Buildings and structures in the city limits of San Antonio, used or to be used in the operation, maintenance, modification, service, research and development, manufacture, and storage of aircraft or the sale of aircraft or aircraft parts. (Cross-Reference: Impact Fee Standards)

**Balustrade**

A rail or row of posts that support it, as along the edge of a staircase.

**Base flood**

The flood having a one percent chance of being equalled or exceeded in any given year. (100-Year Frequency Flood).

**Base Density**

The total permitted dwelling units computed as follows: (a) Divide the minimum lot size by Gross Acreage for Conventional Subdivisions, or (b) The maximum density applied to Gross Acreage for Conservation Subdivisions.

**Basement**

Any area of the building having its floor subgrade (below ground level) on all sides.

**Base Zoning District**

Any of the zoning districts established pursuant to § 35-302(a) of this Chapter.

**Bed and breakfast establishment**

An establishment which supplies temporary accommodations to overnight guests for a fee.

**Best management practices (BMP)**

An effective integration of stormwater management systems, with appropriate combinations of landscape conservation, enhancement, structural controls, impervious cover, schedules of activities, prohibitions of practices, maintenance procedures and other management practices which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, remove pollutants, and enhance the environment.

**Bicycle facility**

Any bicycle path, bicycle trail, bicycle lane, or bicycle route.

**Bicycle path**

A designated paved travelway intended for bicycle use, to the exclusion of routine motor vehicle use. A bicycle path is typically used by two-way bicycle traffic.

**Bicycle trail**

See bicycle path.

**Bicycle lane**

A designated portion of a street pavement for the exclusive use of bicycles. Bicycle signs and pavement markings designate the presence and limits of a bicycle lane.

**Bicycle route**

A street that is used by motor vehicles and is designated, by the presence of specific bicycle route signing, for use by bicycles.

**Biomedical/biotech research facility**

Buildings and structures, used or to be used primarily for biomedical/biotech research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production process thereto. (Cross-Reference: Impact Fee Standards)

**Board or board of trustees**

The San Antonio Water System Board of Trustees.

**Boarding house**

A building other than a hotel where lodging is provided for definite periods for compensation pursuant to previous arrangements.

**Boundary Street**

A public street which is adjacent to and abutting one or more sides of the proposed site.

**Broken Back Curve**

A curve consisting of two curves in the same direction joined by a short tangent.

**Buffer yard**

The required installation of landscaping and screening materials between zoning districts and certain uses.

**Buffer zone**

The area on a commercial lot located between the rear of the commercial building(s) and the rear lot line of the property.

**Building**

A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not permanent in nature. Without limiting the generality of the foregoing, the following shall be considered a "building": a house, barn, church, hotel, warehouse, or similar structure, or a historically related complex, such as a courthouse and jail or a house and barn.

**Building Elevation**

The view of any building or other structure from any one of four sides showing features such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.



**Building footprint**

The horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

**Building official**

The director of building inspections or his designated representative.

**Building setback line**

See Setback line.

**Building site**

The lot or portion of a lot which is designated on the building permit application and any existing buildings and appurtenant parking on the lot.

**Build-out Year**

The proposed year of completion of the land development project, when its capacity for attracting and producing traffic is maximized.

**Bufferyard**

A unit of yard together with enough planting to eliminate or minimize potential negative impacts such as dirt, litter, noise, glare of lights, signs and unsightly buildings between different land use intensity classes.

**Bulk plant or terminal**

A facility where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank or container.

**Bus Shelter**

A roofed structure with at least three (3) walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection and convenience of bus passengers.

**Busway**

A bus route, as designated in the Major Thoroughfare Plan, with an existing or projected Peak Hour headway not exceeding 26 minutes

**Business park**

A planned development with a common theme and name intended to be used primarily for office, showroom, service, warehouse, and/or distribution purposes.

**Business services**

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, and photo finishing.

**Caliper**

The minimum diameter of a tree measured six (6) inches above the ground for trees up to and including four (4) inches in diameter and twelve (12) inches above the ground for trees having a larger diameter.

**Caliper (2)**

The following definition shall apply only to division 1: The minimum diameter of a tree measured six (6) inches above the root collar for trees up to and including four (4) inches in diameter; twelve

(12) inches above the root collar for trees having a diameter greater than four (4) inches and up to twelve (12) inches; and four and one-half (4.5) feet above the root collar for trees having a diameter larger than twelve (12) inches. The following definition shall only apply to division 2: The average cross-sectional measurement of the trunk of a newly planted tree at six (6) inches above grade.

***Caliper (3)***

A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

***Canopy tree***

A canopy tree is either a medium or large deciduous tree, with a mature height of more than 25 feet at maturity.

***Capacity***

The maximum demand that can be accommodated by a Public Facility or service without exceeding the Adopted Level of Service. For Streets, "Capacity" shall be measured by the maximum number of vehicles that can be accommodated by an intersection or Street Link, during the time period specified in § 35-502(d)(1) hereto, under prevailing traffic and control conditions at that Street's Adopted Level of Service.

***Capital improvements***

Public facilities which have a life expectancy of three (3) or more years that are owned and operated by the city, and are treated as capitalized expenses according to generally accepted accounting principles. This definition does not include costs associated with the operation, administration, maintenance, or replacement of capital improvements.

***Capital Improvements Program***

The list of recommended capital improvements to be constructed during the forthcoming five-year period submitted pursuant to § 118 of the City Charter.

***Capital Improvements Plan***

The plan that identifies existing and future sanitary sewer capital improvements or facility expansions within designated service areas for which impact fees may be assessed.

***Carport***

Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

***Car wash, automatic***

A structure where chair, conveyors, blowers, steam cleaners or other mechanical devices are used for the purpose of washing motor vehicles and where the operation is generally performed by an attendant.

***Car wash, self-service***

A structure where washing, drying and polishing of vehicles is generally on a self-service basis without the use of chain conveyors, blowers, steam-cleaning, or other mechanical devices.

***Cemetery***

Any site, as defined by Texas Statutes, which contains at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, to include perpetual care and nonperpetual care cemeteries, even though suffering neglect or abuse.

**Center line (waterway)**

The center line of the waterway refers to existing topographically defined channels. If not readily discernible, the center line shall be determined by, the "low flow line" whenever possible; otherwise by the center line of the two-year floodplain.

**Certificate of appropriateness**

The certificate issued upon the recommendation of the director of planning by the historic preservation officer after review and final approval of the various applications required herein which must be submitted to the historic and design review commission and for applications for ordinary maintenance and repair which do not require commission approval.

**Certificate of occupancy**

A certificate indicating that the premises comply with all the provisions of this Chapter and the building code. *(Note: the certificate of occupancy is issued after approval of a building permit and construction has occurred pursuant to the building permit.*

**Certification (for ad valorem tax exemption)**

The attestation by the historic and design review commission that the structure in question is an historically significant site in need of tax relief to encourage preservation and that the plans submitted will substantially rehabilitate or restore the structure.

**Certified applicant**

An applicant pursuant to this article whose plans for the construction, addition to, alteration, restoration or rehabilitation of, an historically significant site in need of tax relief to encourage preservation, as defined hereafter.

**Certified Local Government (CLG) Program**

The mechanism established pursuant to 16 U.S.C. § 470a(c) for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of the National Historic Preservation Act (NHPA) and to provide for the transfer of a portion of the grants received by the State under NHPA to such local governments.

**Child-care facility**

A facility that provides care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the twenty-four-hour day, whether or not the facility is operated for profit or charges for the services it offers.

**Child-care institution (basic)**

A child-care facility licensed by the Texas Department of Human Services which provides care for more than *twelve (12) children for twenty-four (24) hours a day. A basic child-care institution does not include a twenty-four-hour-a-day program offered by a specialized child-care institution.*

**Child-care institution (specialized)**

A child-care facility licensed by the Texas Department of Human Services which provides specialized care for more than *twelve (12) children for twenty-four(24) hours a day. Specialized child-care institutions include residential treatment centers, emergency shelters, halfway houses, therapeutic camps, and institutions serving mentally retarded children as classified and regulated by the Texas Department of Human Services.*

**Church**

Any place of worship including any church, synagogue, temple, mosque, or other building or facility primarily engaged in religious worship. The term "church" does not include uses such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories or other facilities for temporary or permanent residences which are connected or related to the Church,

the Principal Buildings on the site, or located on the same site, even if the curriculum or services offered as part of such use includes religious services and/or training.

**City**

The City of San Antonio or any agency, bureau, department, division or commission of the City of San Antonio and any department, agency, board, commission or governing body of the City of San Antonio and its capacity of processing, approving or issuing permits.

**City arborist**

An individual employed by the city who is responsible for the administration and overseeing of chapter 35, article 6, division 2 of the San Antonio City Code. The individual shall have appropriate educational experience, credentials and work experience as well as practical experience that qualify the individual for performance of his or her necessary responsibilities.

**Civic Uses**

Any of the following uses, as defined in the Use Matrix, which uses are hereby found to provide focal points for community interaction and foster citizen participation in civic activities:

Churches, temples, synagogues, mosques, and other religious facilities

Clubs or Lodges

College or university facilities

Day Care Centers

Exhibitions and art galleries

Grade schools

Library buildings

Meeting Halls or Clubhouses

Movie theaters

Museum, exhibition, or similar facilities

Performance theaters

Postal

Public administration

School or university buildings

Trade or specialty school facilities

**Clear vision area**

The triangular area adjacent to the intersection of any street within which no obstruction may be placed which would block the sight lines for vehicular traffic. The triangle is established in accordance with section 35-3339 and Exhibit G of this chapter.

**Clinic, dental or medical**

A building in which ten (10) or more physicians and/or dentists or their allied professional assistants carry on their profession; or a building which contains one (1) or more physicians, dentists and their assistants and a laboratory and/or an apothecary limited to the sale of pharmaceutical and medical supplies. A clinic shall not include in-patient care or operating rooms for major surgery.

**CLOMR**

A Conditional Letter of Map Revision. A CLOMR will be submitted for FEMA approval for all proposed physical changes to the floodplain that will result in a change to the floodplain boundary.

**Close**

A close is a front space for buildings interior to the Block which includes a roadway loop around a green area. The close is an alternative to the cul-de-sac, as the focus is a green space rather

than vehicular paving. The close provides additional frontage for deep squares and organic blocks.

**Club**

A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

**Clubhouse**

A building or portion thereof, and related facilities used by a club, fraternal organization, or a membership organization.

**Cluster**

A group of cultural, or historical, or architectural, or archaeological resources with compatible buildings, objects, or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency and association.

**Collector street**

See Street, collector.

**[Note: need to redo ERZD definition of “commercial development”]**

**Commercial driveway approach**

A driveway which provides access to property on which an office, retail or commercial center is located, or a building having more than five dwelling units is located or any driveway approach which accesses property that is primarily used for a nonresidential purpose.

**Commercial/industrial developments**

Any land area zoned or devoted primarily to commercial or industrial use, including areas zoned as O, C, I-1, or I-2 devoted primarily to commercial or industrial use.

**Commercial Living Unit**

A building which includes commercial uses on the first floor, and residential dwelling units above the first floor.

**Commercial property**

A building, site, or structure whose use after rehabilitation or restoration (for ad valorem tax exemption) will be for other than residential use, i.e., for a single family, duplex, three or four family dwelling.

**Commercial Urban Design Standards**

See § 35-203(n) of this Chapter.

**Committed Development**

A Proposed Development that has received final Subdivision plat approval or, for a Proposed Development that does not involve the Subdivision of land, an approved Master Site Plan or Minor Site Plan.

**Common area**

A parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities and complimentary structures and improvements, including but not limited to areas for vehicular and pedestrian access and recreational facilities within the site.

**Common Ownership**

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Common worker**

An individual who performs labor involving physical tasks that do not require a particular skill, training in a particular occupation, craft, or trade, or practical knowledge of the principles or processes of an art, science, craft, or trade.

**Community Home**

An entity which complies with §§ 123.005 through 123.008 and which is:

- a community-based residential home operated by: (A) the Texas Department of Mental Health and Mental Retardation; (B) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities; (C) an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or (D) an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- a personal care facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

(Source: VTCA Human Resources Code § 123.004).

**Community housing development organization (CHDO)**

As defined in 24 C.F.R. § 92.2, which is hereby incorporated by this reference.

**Compatible property**

A resource in an historic district or cluster distinguished by its scale, material, compositional treatment and other features that provide the setting for more important resources and add to the character of the scene.

**Completely enclosed structure**

See Structure, completely enclosed.

**Connectivity Standards**

The standards for the connectivity of proposed Streets, as set forth in the Transportation Standards of this Chapter, § 35-505(d).

**Concentrated Animal Feeding Operation (CAFO)**

See 40 C.F.R. part 122 and Texas Water Code § 26.048.

**Conservation easement**

A nonpossessory interest of a holder in real property that imposes limitations or affirmative obligations designed to:

- retain or protect natural, scenic, or open-space values of real property or assure its availability for agricultural, forest, recreational, or open-space use;
- protect natural resources;

- maintain or enhance air or water quality; or
- preserve the historical, architectural, archeological, or cultural aspects of real property.

(Source: VTCA Natural Resources Code § 183.001).

**Construction**

The act of adding an addition to an existing building or structure, or the erection of a new principal or accessory building or structure on a lot or property, or the addition of walks, driveways or parking lots, or the addition of appurtenances to a building or structure.

**Contractor**

Any person doing work within the building trades or construction professions, either licensed or unlicensed by the City of San Antonio.

**Contributing building**

See Contributing Property.

**Contributing property**

A resource in an historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same considerations as landmarks.

**Control Joint**

A continuous groove or vertical joint in a masonry wall or concrete slab which is designed to control cracking.

**Controlled area, airport**

That area within which the provisions of these regulations are effective, and includes all airport hazard areas which are within the corporate limits of the city and the area outside the corporate limits of the city which is within a rectangle bounded by lines located one and five-tenths (1.5) statute miles, seven thousand nine hundred twenty (7,920) feet from the center line, and lines located five (5) statute miles, twenty-five thousand four hundred (25,400) feet, from each end of the paved surfaces of each of the following runways: Runways 3/21, 12R30L and 12R/30L and 12L/30R at San Antonio International Airport; and Runways 9-27 and 14-32 at Stinson Municipal Airport.

**Correctional or rehabilitation facility**

A probation or parole office or a Residential facility that: (A) is operated by an agency of the state, a political subdivision of the state, or a private vendor operating under a contract with an agency of the state or a political subdivision of the state; and (B) houses persons convicted of misdemeanors or felonies or children found to have engaged in delinquent conduct, regardless of whether the persons are housed in the residential facility: (i) while serving a sentence of confinement following conviction of an offense; (ii) as a condition of probation, parole, or mandatory supervision; or (iii) under a court order for out-of-home placement under Title 3, Family Code, other than in a foster home operated under a contract with the juvenile board of the county in which the foster home is located or under a contract with the Texas Youth Commission. (Source: VTCA Local Government Code chapter 244).

**Corridor trees**

Those trees established within the parkway, as defined, on property pursuant to section 35-6111(g).

**Council**

The city council of the City of San Antonio.



**Courtyard**

A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by the walls of a building.

**Craftsman**

A practitioner of a trade or handicraft, generally recognized by critics and peers as a professional of serious intent and recognized ability, who produces artworks.

**Critical Area**

Any natural resource or environmentally sensitive area subject to the standards set forth in Article 5, Division 4 of this Chapter in order to protect the public health, safety and general welfare.

**Critical root zone (CRZ)**

A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.

**Crown**

The upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York: Van Nostrand Reinhold & Co., 1988), at 790).

**Crosswalk**

That part of a street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street (public, private or safety lane) measured from the curbs, in the absence of curbs from the edges of the traversable roadway. Also a cross walk is any portion of a street (public, private or safety lane) at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the street surfaces.

**Cultural facilities**

Establishments such as museums, art galleries, botanical and zoological gardens, and other facilities of an historic, educational, or cultural interest.

**Cultural resources**

Those resources which possess qualities of significance in American, Texas, or San Antonio history, architecture, archaeology, and culture present in districts, sites, structures, and objects that possess integrity of location, design, setting, materials, workmanship, congruency and association.

**Curtainwall**

An exterior building wall which carries no roof or floor loads and consists entirely or principally of metal or a combination of metal, glass, and other surfacing materials supported by a metal frame. A Curtainwall which consists of glass has the appearance and function of a solid wall.

**Cutoff angle**

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

**Day-care center**

A child-care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.

**DBH**

Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

**Deaccessioning**

The removal, relocation, selling or trading of artworks in the City Art Collection.  
Education - Lectures, presentations and training in and about arts and culture by the Department of Public Works associated with the Design Enhancement Program.

**Deciduous**

Plants that lose their leaves annually.

**Deciduous tree**

A tree which sheds or loses foliage at the end of the growing season. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York: Van Nostrand Reinhold & Co., 1988), at 790).

**Deck**

A platform extending horizontally from the rear or side yard of the structure, located to rear of the front building line of the lot and not within the front yard.

**Degradation**

Pollution of a representative sample of water which unreasonably reduces the quality of such water. The quality of a representative sample of water is unreasonably reduced when such water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property or the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

**Demolition**

The complete or partial removal of a structure from a site.

**Demolition (2)**

Any act or process that destroys or razes in whole or in part, or permanently impairs the structural integrity, or allows deterioration by neglect of (a) a landmark, wherever located, or (b) a building, object, site, or structure, including interior spaces, located within an historic district, or in the River Walk area, or on public property, or on the public right-of-way.

**Demolition business**

A business that demolishes structures, including houses and other buildings, in order to salvage building materials and that stores those materials before disposing of them.

**Demolition By Neglect**

Neglect in the maintenance or deterioration of any structure characterized by any of the following conditions:

1. Structures with attached parts subject to fall, resulting in injury to persons or property;
2. Deteriorated or inadequate foundation;
3. Defective or deteriorated floor supports, or floor supports insufficient to carry imposed loads with safety;
4. Members of walls or other vertical supports that split, lean or buckle due to defective material or deterioration, or members of walls or vertical supports insufficient to carry imposed loads with safety and;
5. Any deterioration of a structure to the extent that it creates or permits a hazardous or unsafe condition as determined by the Director.

**Density**

An objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

**Density, Gross**

The number of dwelling units divided by the total land area subject to an Application for Development Approval, stated as dwelling units per acre.

**Density, Net**

The number of dwelling units divided by the net developable area. The “net developable area” means the land area of the site after deducting unbuildable areas including road rights-of-way, open space, and environmentally sensitive areas, stated as dwelling units per net acre.

**Density, Minimum**

The minimum number of dwelling units that must be constructed where indicated in this Chapter, stated as Gross Density unless otherwise indicated.

**Density, Maximum**

The maximum number of dwelling units that may be constructed where indicated in this Chapter, stated as Gross Density unless otherwise indicated.

**Design considerations**

Guidelines set forth in this article by the historic and design review commission, or which are subsequently adopted by the San Antonio City Council, which preserve the historical, architectural, archaeological, or cultural character of an area or of a building, object, site, or structure.

**Design Enhancements**

Means uniquely crafted and decorative artwork in a variety of media that are an integral part of eligible capital improvement projects, and produced by professional craftsman, or craftsman in collaboration with an architect, landscape architect or engineer. Works shall be permanent, functional or non-functional.

**Design Enhancement Plan**

A prioritized list of capital improvement projects with recommended design enhancement components or approaches, updated on an annual basis by the Department of Public Works through the Design Enhancement Program in consultation with City Departments anticipating capital improvements projects.

**Designated resource**

A building, object, site, or structure which has been designated "historic" by city council upon recommendation of the historic and design review commission through the zoning commission, following criteria set forth in Article III of this chapter and zoned historic under the provisions of this chapter.

**Destination resort**

Lodging accommodations and complementary recreational or entertainment facilities that are comprehensively planned and integrated in order to provide a variety of activities, services, and amenities that comprise a visitor attraction in and of themselves.

**Detached structure**

A structure having no party wall or common wall with another structure unless it is an accessory structure.

**Detention**

The temporary storage of storm runoff, which is used to control the peak discharge rates, and which provides gravity settling of pollutants.

**Detention time**

The amount of time a parcel of water actually is present in a stormwater basin. Theoretical detention time for a runoff event is the average time a parcel of water resides in the basin over the period of release from the BMP.

**Developer**

A person responsible for any undertaking that requires a Permit or Development Order.

**Developer (2)**

The owner of property, his/her subsequent purchasers, successors, and/or assigns.

**Developer customer**

Any applicant who requests sewer or water set-vice for a lot or lots which have been or will be subdivided or platted.

**Development**

Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or, drilling operations or storage of equipment or materials.

**Development Order**

Any authorized action by an officer or agency of the City granting, denying or granting with conditions, approval to undertake development of a parcel, tract, building, or structure including approval of the following:

- Master Development Plan
- Zoning Amendment
- Conditional Zoning
- Specific Use Permit
- Building Permit
- Certificate of Occupancy
- Subdivision Plat
- Development Plat
- Certificate of appropriateness
- Floodplain Development Permit
- Site Plan (Military Airport Overlay Zone or Manufactured Home Community)
- Landscape plan
- Tree Preservation Permit
- Variance

Appeal

**Development Plan**

The proposal for development including such drawings, documents and other information necessary to illustrate completely the proposed development. The development plan shall specifically include such information as required by this chapter.

**Development Permit**

See "Permit."

**Diameter breast height (DBH) or diameter inches**

The average cross-sectional measurement of the trunk of an existing tree at four and one-half (4 1/2) feet above grade. If the tree is on a slope, it shall be measured from the high side of the slope. Newly planted trees shall be measured six (6) inches above grade.

**Dimensional Matrix**

See § 35-310 of this Chapter, Table 310-1.

**Director**

The Director of Planning or his designee.

**Director of public works**

The city director of public works or his designee.

**Disabled person**

A person who has a physical or mental impairment, or both, that substantially limits one or more major life activities to include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

**District**

A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, or structures united by past events or aesthetically by plan or physical development which may also comprise individual elements separated geographically but thematically linked by association or history.

**Downtown housing facility**

Building or structures used or to be used as a housing unit. A housing unit is a house, an apartment, a group of rooms or a single room occupied or intended for occupancy as living quarters. The facility must be a year-round housing unit. Year round housing units include all units occupied by one or more persons for whom it is usual residence. In the case of mixed-use downtown housing facilities, seventy-five (75) percent of the project must be intended for housing. This amount is based on gross square footage. All common areas will be prorated. This facility must be located within the San Antonio central business district. It shall be limited to properties within the following boundaries: start at the intersection of Salado and El Paso streets; north on Salado to its intersection with Frio street; thence northeast in a straight line to the intersection of IH-10 and Cadwalder; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry street to Durango Boulevard; west on Durango to the San Antonio River; south along the San Antonio River to Arsenal street; west on Arsenal to El Paso Street; and the west on El Paso to Salado. (Cross-Reference: Impact Fee Standards)

**Drainage system**

All streets, gutters, inlets, swales, storm sewers, channels, streams, or other pathways, either naturally occurring or man-made, which carry and convey stormwater during rainfall events.

**Drip line**

A vertical line of a tree canopy or shrub branch extending from the outermost edge to the ground.

**Drive-Through Use**

An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or to be entertained while remaining in their motor vehicles.

**Driveway**

Entrance to and exit from premises where it is possible to park completely off the street, and which is not open for vehicular traffic except by permission of the owner of such private property.

**Driveway approach**

A way or place including paving and curb returns between the street travel lanes and private property which provides vehicular access between the roadway and such private property.

**Driveway, Front-Loaded**

A Driveway which begins at, or abuts, the front property line of a Lot or Parcel.

**Duplex**

See Dwelling two-family.

**Dwelling, one family**

A single structure occupied exclusively by not more than one (1) family.

**Dwelling, one-family attached**

Two (2) or more dwelling units with common walls between the units.

**Dwelling, Single-Family Detached**

A One-Family Dwelling that is not attached to any other Dwelling by any means and is surrounded by open space or yards.

**Dwelling, two-family (duplex)**

A detached house designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit.

**Dwelling, two-family attached**

Any two (2) dwelling units with a common wall between the units and under single ownership which may be attached by a common wall to the units.

**Dwelling, three-family (triplex)**

A detached house designed for and occupied exclusively as the residence of not more than three (3) families, each living as an independent housekeeping unit.

**Dwelling, four-family (quadraplex)**

A detached house with common walls between the units, designed for and occupied exclusively as the residence of not more than four (4) families, each living as an independent housekeeping unit.

**Dwelling, multifamily**

A dwelling or group of dwellings on one (1) lot containing separate living units for five (5) or more families, but which may have joint services or facilities.

**Dwelling, single-family**

See Dwelling, one-family.

**Dwelling unit**

One (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

**Easement**

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

**Easement, utility**

An easement granted for installing and maintaining utilities, across, over or under land together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of utilities.

**Easement, vehicular nonaccess**

An easement established on a lot for the purpose of prohibiting ingress and egress to vehicular traffic.

**Ecoclimate**

The localized, micro-climate created by the vegetation of the River Walk area.

**Economic return**

A profit or capital appreciation from use or ownership of a building, object, site or structure that accrues from investment or labor.

**Edwards Aquifer Recharge Zone (EARZ)**

That area where the stratigraphic units constituting the Edwards Aquifer out crop, and including the outcrops of other formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the Texas Natural Resource Conservation Commission (TNRCC) and the Edwards Aquifer Authority.

**Edwards Aquifer Transition Zone**

That area where geologic formations out crop in proximity to and south and southeast of the recharge zone and where faults, fractures, and other geologic features present a possible avenue for recharge of surface water to the Edwards Aquifer, and including portions of the Del Rio Clay, Buda Limestone, Eagle Ford Group, Austin Chalk, Pecan Gap Chalk, and Anacacho Limestone. The transition zone is identified as that area designated as such on official maps in the offices of the Texas Natural Resource Conservation Commission (TNRCC) and the Edwards Aquifer Authority.

**Effect**

A change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically important.

**Elevated building**

Elevated building means a nonbasement building (i) built, in the case of a building in Zones AE, A, A99, AO, AH, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AE, A, A99, AO, AH, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Eligible Capital Improvement Projects**

All eligible construction projects that are included in the capital improvement budget.

**Eminent domain**

Inherent sovereign power claimed by the legislature of a state, for controlling private property for public uses.

**Emergency, utility related**

A break or leak in an underground utility line or a disruption in a utility service.

**Emergency vehicle**

Vehicle of the police or fire departments, ambulances, and vehicles conveying an airport official or airport employee in response to any emergency call.



**Employment agency**

An establishment whose business is to find jobs for people seeking them or to find people to fill jobs that are open.

**Enclosure Ratio**

The ratio of building height to the distance between buildings facing across a Street. The distance between buildings shall be measured from the front façade including any porch, stoop, or other area integral to the building.

**Equivalent dwelling unit (EDU)**

The service unit used within this division equal to seven hundred fifty (750) gallons per day of peak wastewater flow and three hundred (300) gallons per day of average wastewater flow. For purposes of applying parks and open space requirements to non-residential uses, equivalent dwelling units shall be measured as follows:

Principal Building Activity	Square feet per employee	Employees per 1,000 square feet	EDU (square footage needed to equal one residential Dwelling Unit)
Education	767	1.30	1,764
Food Sales	984	1.02	2,263
Food Service	578	1.73	1,329
Health Care	520	1.92	1,196
Lodging	1,317	0.76	3,029
Mercantile and Service (Commercial)	945	1.06	2,174
Office	387	2.58	890
Public Assembly	1,317	0.76	3,029
Public Order and Safety	746	1.34	1,716
Religious Worship	726	1.38	1,671
Warehouse and Storage	1,730	0.58	3,979
Other	544	1.84	1,251

Source: U.S. Department of Energy, Energy Information Administration, *A Look at Commercial Buildings in 1995: Characteristics, Energy Consumption, and Energy Expenditures*

**Evergreen**

Plants that retain their foliage throughout the year.

**Evergreen screen**

A dense vegetative screen that grows over 20 feet high at maturity and retains foliage year round used for purposes of visual mitigation between zoning districts.

**Evergreen tree**

A tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York: Van Nostrand Reinhold & Co., 1988) at 791).

**Exceptional historic landmark**

(1) Those buildings, objects, sites, site improvements, appurtenances or structures of the highest and most unique historical, cultural, architectural or archaeological importance and whose

demolition or destruction would constitute an irreplaceable loss to the quality and character of San Antonio; and (2) those inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public.

**Existing construction**

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before the date. "Existing construction" may also be referred to as "existing structures."

**Existing Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Fabrication**

Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to assembling, stamping, cutting or otherwise shaping the processed materials into useful objects.

**Façade**

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Facilities Exhibition Spaces**

Public spaces designated by the City of San Antonio for the exhibition of art and art activities such as the Central Library Gallery, Airport Art Spaces and City Hall.

**Family**

One or more persons occupying a dwelling living together as a separate housekeeping unit in one (1) or more rooms with complete living facilities, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

**Fenestration**

Window treatment in a building or façade.

**Filtration basin**

Filtration basins are secondary treatment structures that follow sedimentation basins and release storm water runoff through a filter media to remove additional pollutants.

**First flush**

At least the first one-half inch of runoff from a storm event which flushes off and contains a disproportionately large loading of the accumulated pollutants from impervious and non-impervious surfaces.

**Flea market**

See Outdoor Resale Business.

***Flex Space***

A building designed to accommodate a combination of office, wholesale, and warehousing functions, the exact proportions of each use being subject to user needs over time. Flex space buildings are typically located in business or industrial parks and usually have a footprint exceeding 10,000 square feet. They are usually designed with loading docks to the rear and parking in the front. The front facade is often treated with a higher quality of architectural finish than the rear and sides.

***Flood or flooding***

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

***Flood insurance rate map (FIRM)***

Flood Rate Insurance Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

***Flood insurance study***

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation or the base flood, as well as the Flood Boundary Map.

***Floodplain***

Any land area susceptible to being inundated by water from any source (see definition of flooding). The 100-year floodplain is also known as the area of special flood hazard.

***Floodplain, 100-year***

See 100-year floodplain.

***Floodplain Standards or Floodplain Ordinance***

See §§ 35-505 (Floodplain Standards) and Article 4, Division 6 (§§ 35-461 et seq.) of this Ordinance.

***Floodplain Management***

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

***Floodplain Management Regulations***

Zoning ordinances, subdivision regulations, bonding codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications or police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

***Flood Protection System***

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent or the areas within a community subject to a "special flood hazard" and the extent or the depths or associated flooding. Such a system typically includes hurricane tidal barriers, dams,

reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

***Flood Proofing***

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

***Floodway***

the channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood. The floodway is the 100-year floodplain in the City of San Antonio.

***Flood Fringe***

That portion of the floodplain outside of the floodway.

***Floor area***

The sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) structures. The floor area shall include the area of roofed porches having more than one (1) wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

***Floor area ratio***

The ratio of the total building floor area in square feet to the total land area in square feet.

***Foster family home***

A child-care facility certified or licensed by the Texas Department of Human Services which provides care twenty-four (24) hours a day for not more than six (6) children.

***Foster group home***

A child-care facility licensed by the Texas Department of Human Services which provides care twenty-four (24) hours a day for seven (7) to twelve (12) children.

***Fraternal organization***

A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

***Front yard***

An area extending the full width of a lot between the front lot line and the nearest principal structure.

***Frontage***

The frontage of a parcel of land is that distance where a property line is common with a street right-of-way line.

***Gabion***

A wire basket containing primarily stones deposited to provide protection against erosion.

***Garage, private***

A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on, enclosed on all four (4) sides, and pierced only by windows and customary doors.

**Gated Community**

A residential area in which access to the subdivision streets is restricted by the use of a guard house or electronic arms, and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

**Gifts**

Art donated to the City from a private individual or institution and/or outside sources.  
Infrastructure - Facilities and services needed to sustain development of residential, commercial or industrial activities, including airports, parking structures, parks, libraries, fire and police stations, and streets and drainage projects.

**Glare**

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Green space**

Land shown on an urban corridor site plan which may be improved or maintained in a natural state and which is reserved for preservation, recreation, or landscaping.

**Gross acreage**

The total acreage of a development.

**Ground cover**

A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.

**Ground water**

Any water percolating below the surface of the ground.

**Group day-care home**

A child-care facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.

**Habitable Structure**

A structure that has facilities to accommodate people for an overnight stay. These include, but are not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes. Recreational vehicles are not included in this definition.

**Habitable Use**

See "Inhabitable Use."

**Half story**

An uppermost story usually lighted by dormer windows, in which a sloping roof replaces the upper part of the front wall, and habitable areas on the uppermost story do not exceed a floor area derived by multiplying the floor area of the ground floor by fifty percent (50%).

**Head shop**

Any retail establishment having a substantial or significant portion of its stock in trade in or which has as its main purpose the offering for sale paraphernalia or items designed or marketed for use with illegal cannabis or drugs.

**Headway**

The amount of time between transit vehicles, including buses or operating on a particular transit route

**Height, building**

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deckline of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**Height limit**

The elevation in feet above mean sea level, the projection above which a proposed structure or tree would not be granted a permit under this chapter, except as otherwise provided in this chapter.

**Heliport**

That area used by helicopters or other steep gradient aircraft for take-offs and landings. Such area may include passenger, cargo, maintenance and overhaul facilities, plus fueling service, storage space, tie-down area, hangars and other accessory buildings and open spaces.

**Helistop**

That area used by helicopters or other steep gradient aircraft for the purpose of takeoffs and landings. Such area may be used for the pickup or discharge of passengers and cargo, storage space, and tie-down area, but shall not include maintenance, overhaul, or fueling services and facilities.

**Heritage tree**

A tree, of any species, having a trunk size of thirty (30) inches DBH or larger.

**Highest adjacent grade**

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Historic district**

An area, urban or rural, defined as an historic district by city council, state, or federal authority and which may contain within definable geographic boundaries one or more buildings, objects, sites or structures designated as exceptional or significant historic landmarks or clusters, as defined herein, including their accessory buildings, fences and other appurtenances, and natural resources having historical, architectural, archaeological, and cultural significance, and which may have within its boundaries other buildings, objects, sites, or structures, that, while not of such historical, architectural, archaeological or cultural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.

**Historic Structure**

Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior or;
  2. Directly by the Secretary of the Interior in states without approved programs.

**Historic tree**

A tree that has been officially found by the San Antonio City Council to be of a character (age, size, species or historic association), and/or to have had a role in local, state or federal historical events that warrant its protection.

**Historically significant site in need of tax relief to encourage preservation**

A building, site, or structure together with the land necessary for access and use which is determined by the historic and design review commission to be in substantial need of rehabilitation or restoration and is one or more of the following:

- (a) Designated a National Historic Landmark;
- (b) Listed on the National Register of Historic Places; or
- (c) Located in a National Register Historic District and certified by the Secretary of Interior as being of historic significance to the district; or
- (d) Designated as a Recorded Texas Historic Landmark by the Texas Historical Commission; or
- (e) Designated a State Archaeological Landmark; or
- (f) Designated as an exceptional or significant landmark by the city as provided in this chapter; or
- (g) Located in an historic district designated by the city and certified by the historic and design review commission as being of historic significance to the district.

**Home occupation**

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

**Horticulturist**

A qualified professional who has studied the science or art of cultivating plants especially for ornamental use.

**Hospital**

An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

**Hotel**

A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purpose by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

**HUD-code manufactured home**

A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a



permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

***Impact Area***

The area within which a Proposed Development is presumed to create a demand for public services and/or facilities and is evaluated for compliance pursuant to § 35-502(c) of this Ordinance. The "Impact Area" is that area in which the Capacity of Public Facilities will be aggregated and compared to the demand created by existing development, Committed Development and the Proposed Development. The Impact Areas for specific Public Facilities are defined in § 35-502(b) of this Chapter.

***Impact fee***

A charge or assessment imposed by the city against new development in order to generate revenue for funding the costs of capital improvements or facility expansions necessitated by and attributable to the new development as specified in the sanitary sewer capital improvements plan for designated impact fee service areas. The term includes amortized charges, lump sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition.

***Impervious cover***

Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface; this shall include, but not [be] limited to, all streets and pavement within the subdivision. "Percent impervious cover" is calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed, divided by the total area within the perimeter of such lot, tract, parcel or development. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, and public sidewalks shall not be calculated as impervious cover.

***Infill Regulations***

See § 35-202 of this Ordinance.

***Infrastructure***

Any physical system or facility that provides essential services such as transportation, utilities, energy, telecommunications, waste disposal, park lands, sports, buildings, housing facilities and the management and use of resources regarding the same. Infrastructure includes drainage systems, irrigation systems, sidewalks, roadways, sewer systems, water systems, driveways, trails, parking lots, and other physical systems or facilities as generally described above that may not be specifically enumerated in this definition.

***Infrastructure expenses***

Infrastructure expenses shall include engineering costs, impact fees, platting fees (including the amount of bond, trust agreement, or irrevocable letter of credit posted with the city to assure compliance with platting requirements), as well as necessary development costs actually paid (if such costs actually paid exceed or are necessary but not included infrastructure costs covered by the bond, trust agreement or irrevocable letter of credit) including off-site infrastructure costs that are necessary for plat approval of a specific parcel of real property. Further, a property owner or developer shall be allowed to include as infrastructure expenses, costs incurred by voluntary compliance with development ordinances including by way of example but not limitation, tree survey costs.

***Inhabitable use***

A use which involves the construction or placement of permanent or temporary dwelling units.

***Institution for children or the aged***

An establishment providing residence and care for children or the aged.

***Intensity***

The number of square feet of development per acre by land use type with respect to non-residential land uses.

***Intermediate Construction Phase***

On land development projects with multiple phases of construction, there may be several intermediate construction phases which precede the final construction phase. The final construction phase is completed in the build-out year.

***Intermediate floodplain***

Any channel, creek, stream, branch, or watercourse for surface water drainage that drains an area greater than three hundred twenty (320) acres but less than six hundred forty (640) acres.

***Intersection***

The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of two or more roadways, including public street, private street, commercial driveway, residential driveway, driveway approach, alley or combination thereof which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come into conflict.

***Intrusion***

A building, object, site or structure which detracts from the historical significance of a district or cluster because of its incompatibility with the sense of time and place and historical development of a district or cluster; or its incompatibility of scale, materials, texture, or color; or whose integrity has been irretrievably lost; or whose physical deterioration or damage makes it infeasible to rehabilitate.

***Inventory***

A systematic listing of cultural, historical, architectural, or archaeological resources prepared by a city, state, or federal government or a recognized local historical authority, following standards set forth by federal, state and city regulations for evaluation of cultural properties.

***ISTEA***

Intermodal Surface Transportation Efficiency Act, a federal grant provided to fund the Statewide Transportation Enhancement Program.

***Junk***

Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

***Junkyard or salvage yard***

Any premises where junk, articles or materials, including junked, wrecked or inoperable vehicles, which are ready for destruction or which have been collected are stored for salvage or conversion to some use.

***Kennel***

Any lot or premises on which domestic or wild animals are kept, boarded or raised for sale.

**Kindergarten**

See Nursery school.

**Laboratory**

A building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

**Land use assumptions**

Description of changes in projected wastewater demand contained in the land use assumptions plan.

**Land Use Category**

A classification of uses as set forth in the Use Matrix (see Key to Use Matrix for rules of interpretation).

**Landscape Architect**

A landscape architect licensed pursuant to Chapter...?

**Landscape planting area**

An area that accommodates the installation of trees, shrubs and ground covering consistent with the standards of § 6.2.4 herein.

**Landscaping**

The process or product of site development including grading, installation of plant materials and seeding of turf or ground cover.

**Large shrub**

Any plant, deciduous or evergreen, which is generally multi-stemmed and reaches a height of six (6) feet or more upon maturity.

**Large tree**

A tree of a species which normally reaches a height of thirty (30) feet or more upon maturity.

**Lattice antenna structure**

A steel lattice, self supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

**Levee**

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LOMR**

A Letter of Map Revision. A LOMR will be submitted for FEMA approval for all changes to the floodplain boundary that are delineated on the current Flood Insurance Rate Maps.

**Level of Service**

An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Level of Service indicates the Capacity per unit of demand for each Public Facility.

**Light Rail Line**

A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. Low capacity, district level, or excursion rail transit service, such as a vintage trolley line, is not included. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way.

**Link**

See [Street Link](#).

**Live-Work Unit**

A building in which offices, studios, or other commercial uses are located on the first floor and a dwelling unit is located above the first floor.

**Loan**

Artworks given to the City for its use for a period of time and to be returned to the owner after the loan period expires.

**Lodge**

The place where members of a club or a fraternal organization hold their meetings.

**Lot**

A designated parcel or area of land established by plat to be used, developed, or built upon as a unit.

**Lot, corner**

A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

**Lot depth**

The mean horizontal distance between the front and rear lot lines.

**Lot Design Standards**

See § 35-603 of this Ordinance.

**Lot, reversed corner**

A corner lot, the rear of which abuts upon the side of another lot whether across an alley or not.

**Lot Width**

The width of a lot at the front setback line.

**Lowest floor**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**Low Income Housing**

Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the San Antonio metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

**Lux**

The standard unit of illuminance. One lux is one lumen per square meter.

**Maintenance easement**

An easement granted by the owner of a lot adjacent to a zero lot line development, exclusively for the purpose of allowing the occupant of a residence on the lot line access to the adjoining property in order to maintain that portion of his dwelling situated on the property line.

**Major Arterial**

See "Principal Arterial"

**Major Bus Boarding Location**

The right-of-way of any Street Link or series of Street Links in which at least four (4) Bus Shelters are located within a distance of one (1) mile.

**Major floodplain**

Any channel, creek, stream, branch, or watercourse for surface water drainage that drains six hundred forty (640) acres or more.

**Major subdivisions**

Any subdivision other than a minor subdivision.

**Major thoroughfare**

Street routes that are identified as major thoroughfares as set forth in the major thoroughfare plan, and as may from time to time be amended. Major thoroughfares are devoted to moving large volumes of traffic over long distances.

**Major thoroughfare plan**

The Major Thoroughfare Plan as adopted by the City Council Sept. 21, 1978 and any amendments thereto.

**Manufactured home or Manufactured housing**

A HUD-code manufactured home. For purposes of the Floodplain Ordinance, a "manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured home park**

A plot or tract of land which is separated into two (2) or more spaces or lots which are rented or leased or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences; provided, that the lease or rental agreement is for a term of less than sixty (60) months and contains no purchase option.

**Manufactured Home Park or Subdivision**

For purposes of the Floodplain Ordinance, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufactured home park plan**

A complete and exact plan of the manufactured home park submitted to the planning commission for final approval and which, if approved, will be submitted to the director of building inspections for filing.

**Manufactured home setback line**

The line within a manufactured home site defining the minimum horizontal distance between a manufactured home and the adjacent street line.

**Manufactured home site**

A plot of ground within a manufactured home park which is designed for and designated as the location for only one manufactured home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

**Manufactured home stand**

That part of a manufactured home site which has been reserved for the placement of the manufactured home, appurtenant structures, or additions.

**Manufacturing**

Operations required in the mechanical, biological, or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. The term manufacturing covers all mechanical, biological, or chemical transformations, whether the new product is finished or semi-finished as raw materials is some other process.

**Manufacturing facility**

Buildings and structures, used or to be used for the mechanical or chemical transformation of materials or substances into new products. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing. (Cross-Reference: Impact Fee Standards)

**Marginal access**

The type of street which is used to provide direct access to abutting properties and protection from through traffic.

**Mass**

The size, height, symmetry and overall proportion of a structure in relation to the original style and/or to surrounding structures.

**Master plan**

The comprehensive plan for the physical development of the city, as prescribed in Section 121 of the city charter and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof. The master plan policies were adopted by the planning commission as Resolution Number 97-05-01 on May 14, 1997, and by the city council as Ordinance Number 86100 on May 29, 1997.

**Master Site Plan**

A long-range plan for the development of property submitted pursuant to § 35-412 of this Chapter.

**Mass Transit**

The transportation of passengers and hand-carried packages or baggage of a passenger by a surface, overhead, or underground means of transportation, or a combination of those means, including motorbus, trolley coach, rail, and suspended overhead rail transportation. The term does not include taxicab transportation. [Source: VTCA Transportation Code § 451.001]

**Mean Sea Level**

For purposes of the National flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

**Medium Tree**

A tree of a species which normally reaches a height exceeding fifteen (15) feet but less than thirty (30) feet upon maturity.

**Membership organization**

An organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions, and similar political and religious organizations.

**Ministerial Decision**

A decision rendered by an administrative official or agency without a public hearing and subject to the standards of this Chapter, as set forth in §§ 35-401(b)(3) and 35-424 of this Chapter.

**Miniwarehouse**

A storage enterprise dealing with the reception of goods of residential or commercial orientation which lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.

**Minor Arterial**

Any Street designated as an Arterial, but not as a Principal Arterial, in the Thoroughfare Plan (see § 35-505. Table 505-1).

**Minor floodplain**

Any channel, creek, stream, branch, or watercourse for surface water drainage that drains an area greater than one hundred (100) acres but less than three hundred twenty (320) acres.

**Minor subdivision**

A subdivision involving four (4) or fewer lots fronting on an existing street that does not involve (i) the creation of any new streets, alleys or safety lanes; (ii) the extension of off-site utilities; or (iii) the installation of drainage improvements.

**Mitigation tree**

A tree used for the purpose of mitigating the destruction or removal of a protected or heritage tree pursuant to the requirements of division 2 of this article. A mitigation tree must have a trunk size of at least two and one-half (2 1/2) inches measured at six (6) inches above grade for single trunk species trees or one and one-half (1 1/2) inches measured at six (6) inches above grade for multi-trunk species trees. In the case of multi-trunked species trees, a tree will be qualified as a mitigation tree based on the measured diameter of the largest of the existing trunks at six (6) inches together with one-half (1/2) of the measured diameter of the remaining trunks at the same height.

**Mixed Use Building**

A building which contains two or more of the following major use types: residential, office, or retail.

**Mobile home**

A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.



**Molding**

Any linear plane which deviates from a flat surface. On buildings, molding consists of strips of wood used to conceal joints and to provide a decorative finished appearance. No portion of a control joint shall be considered a molding.

**Monopole antenna structure**

A self supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.

**Motel**

A building or group of detached, semidetached or attached buildings on a lot containing guest dwellings each of which has a separate outside entrance leading directly to rooms for outside the building, with garage or parking space conveniently located with each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

**Mulch**

Non-living organic and inorganic materials customarily used in landscape design to retard erosion, retain moisture, maintain even soil temperature, control weeds, and enrich the soil.

**Multi-trunk tree**

A tree having two (2) or more main trunks arising from the root collar or from the main trunk.

**Multiple resource historic district**

An area defined by city council, state or federal authority within a defined geographical area which identifies specific cultural resources having historic, architectural, cultural, or archaeological significance.

**Nameplate**

A sign not exceeding one (1) square foot in area indicating the name and/or address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.

**National Historic Preservation Act (NHPA)**

16 U.S.C. part 470.

**National Preservation Standards**

36 CFR Part 68, as amended, which is hereby incorporated by this reference.

**National Preservation Guidelines or "NPS Guidelines"**

"Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings", dated 1995, and published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services (Washington, D.C., 1995), as may be amended from time to time, and which are hereby incorporated by this reference.

**National Register Designation Guidelines**

36 CFR § 60.4 and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation promulgated by the National Park Service, Department of the Interior, and effective on September 29, 1983.

**Natural state**

Natural state means the topography that exists at the time information is gathered for flood insurance rate maps or any subsequent approved revisions to those maps.

**Net acreage**

The gross acreage of a development site excluding those portions of a development dedicated to public use, such as street rights-of-way, drainage and open space.

**Net area**

Within the context of this section, net area shall mean total acreage within a Master Development Plan less the area within the 100-year floodplain and the area dedicated to conservation easement, natural area (such as greenbelt) and parks.

**Neighborhood Unit**

A neighborhood unit encompasses an area which includes residences, businesses, parks, schools, and other community facilities. Populations may range from 4,000 to 10,000 people depending on the geographic area and boundaries. A neighborhood unit usually contains at least 1,500 housing units.

**New Construction**

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New development**

Any new demand which increases the number of equivalent dwelling units including, but not limited to, the subdivision and/or resubdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land, any of which increases the number of equivalent dwelling units. [Commentary: The subdivision and/or resubdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land which does not increase the number of equivalent dwelling units is not considered new development and is not subject to payment of additional impact fees. However, the previous applicable impact fees must have been paid.]

**New Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Node**

The terminus or intersection of two (2) or more Streets, including the head or bulb of a cul-de-sac.

**Nonconforming structure**

Any existing structure which was erected according to all applicable city ordinances at the time, but which does not now comply with all the regulations applicable to the district in which the structure is located.

**Nonconforming use**

Generally, the use of an existing property or structure after the effective date of this chapter, which does not comply with the use regulations applicable to the district in which the property is located, and as further defined in § 35-702 of this Chapter.

**Non-contributing**

A building, object, site or structure which neither adds to nor detracts from a sense of time and place or historical development of a district or cluster.

**Non-degradation**

The proper use of BMP's and pollution prevention criteria in activity so as to prevent degradation as defined herein.

**Non-living materials**

Plant materials used for landscaping such as river rock, stone, bark, and similar materials.

**Not rated resource**

A building, object, site or structure which has been inventoried and reviewed by the Historic and Design Review Commission but not rated due to lack of age following criteria set forth in this chapter.

**Not significant resource**

A building, object, site or structure older than twenty-five (25) years old which has been inventoried and reviewed by the Historic and Design Review Commission using criteria set forth in this chapter, but which lacks sufficient historical, architectural, cultural, or archaeological significance to be recommended for landmark status based on available evidence.

**Nudity**

Total absence of clothing or covering for the human body.

**Nuisance**

Any tree or shrub or part thereof that grows upon private or public property which 1) interferes with the use of any public area; 2) is infected with an infectious plant disease or insects; 3) or which endangers the life, health, or safety of persons or property.

**Nursery**

Land or greenhouses used to raise flowers, shrubs, trees, grass, and other plants for sale.

**Nursery school**

A child-care facility offering a program for children between two (2) and seven (7) years of age for four (4) hours or less per day.

**Object**

An object is a material thing of functional, aesthetic, cultural, historical, archaeological, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**Objet d'art**

Individual art pieces not mass-produced consisting of one (1) or more of the following: paintings, drawings, etchings, sculptures ceramics, inlays, needlework, knitting, weaving, and/or craftwork; leather, wood, metal or glass.

**Obstruction**

Any structure, growth or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by this chapter.

**Occupancy**

The presumed level of build-out as estimated by the property owner of the proposed development at the later of five years or build out.

**Office**

A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**Off-site facility**

Any structure, facility, equipment, or installation, the purpose and function of which is to receive wastewater from a development's internal collection system and to transport, treat, and ultimately discharge that wastewater to a receiving stream at a permanent location determined by the board.

**Off-site mains**

Sewer or water mains totally outside of a subdivision.

**On-site facility**

Any structure, facility, equipment, or installation that collects and transports wastewater generated from within a development to the off-site system at a designated point.

**On-site mains**

Sewer or water mains totally within a subdivision, including mains lying along one (1) or more sides of a subdivision which serve such subdivision exclusively.

**Opaque**

Incapable of transmitting light.

**Open Space**

An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways and water courses. The computation of open space shall not include driveways, parking lots or other surfaces designed or intended for motorized vehicular traffic, or to buildings. The term "open space" also includes any land, water, or submerged land which is provided for, preserved for, or used for (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) cultural, historic or scenic purposes, (iv) assisting in the shaping of the character, direction, and timing of community development, or (v) wetlands.

**Ordinary Repairs and Standard Maintenance**

Work done to prevent or stop deterioration, decay or damage, or to replace a part of a building with the intent of restoring the structure as nearly as practical to the condition prior to such deterioration, decay or damage.

**Ordinary repair and maintenance (2)**

Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a building, object or structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

**Outdoor resale business**

A business that sells used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

**Outer service area (OSA) contract**

Contract between the board and a developer for the provision of sewer service and/or the construction of off-site sanitary sewerage facilities constructed by the developer when services are not available to serve the property, pursuant to V.T.C.A., Local Government Code Sections 395.001(4)(C).

**Outer service area impact fee**

The cost per EDU which may be assessed in the OSA based on the costs per EDU set out in the Sanitary Sewer CIP.

**Outdoor storage**

The keeping, in an unroofed area of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours.

**Overland flow**

Stormwater runoff that is not confined by any natural or manmade channel such as a creek, drainage ditch, storm sewer, or the like. Also known as “sheet flow”, this involves the movement of runoff in a thin layer (usually less than 1 inch in depth) over a wide surface, which begins when water ponded on the surface of the land becomes deep enough to overcome surface retention forces.

**Overlay district**

A zoning district established by this chapter prescribing regulations to be applied to a site in combination with a base zoning district.

**Oversized vehicle**

A motor vehicle, trailer, or boat which by itself or together with other structure(s) or vehicle(s) attached to it exceeds twenty-four (24) feet in length, eight (8) feet in width or eight (8) feet in height, exclusive of appurtenances such as antennas, air conditioners, luggage racks, and mirrors.

**Park**

Land and facilities, such as playgrounds, fountains, or swimming pools, used or to be used as a Neighborhood Park, Community Park, Large Urban Park, Sports Complex, Special Use Facility, or Urban Space as defined in the Parks and Recreation System Plan, regardless of location, including both the acquisition of such land, the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the park and improvements, utility relocation, provision of improvements, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment, the need for which are attributable to new residential development.

**Parking Lot**

An off-street, ground-level open area for the temporary storage of motor vehicles. A “parking lot” does not include an area used exclusively for the display of motor vehicles for sale as part of an automobile dealership.

**Parking lot plantings**

Plantings that shade and improve the appearance of large areas of pavement which are located within planting areas adjacent to parking areas.

**Parking Standards**

See § 35-551 of this Ordinance.

**Parking structure, commercial**

An area or structure area used exclusively for the temporary storage of motor vehicles.

**Parks and Recreation System Plan**

The City Council adopted San Antonio Parks and Recreation System Plan, which document is hereby incorporated by this reference.

**Parkway**

The portion of the street right-of-way between the edge of the curb, or the edge of the roadway where no curb exists, and the property line.

**Parkway**

The area located within public right-of-way between the outer curblane and the adjacent property line.

**Parkway tree**

Trees ten (10) inches or larger located within the Parkway that may be used for meeting tree preservation requirements and landscape requirements, but are not required to be counted in calculating the minimum tree preservation percentage.

**Parolee**

A convicted felon that has been approved for parole but who is to be housed in a short term "transitional home" prior to entering society with the privileges and conditions of a parolee.

**Parsonage or parish house**

A residence for a minister, priest or rabbi in connection with the operation of a church.

**Partial nudity**

Exposure of the female breast or breasts, or exposure of the male or female pubic area or buttocks.

**Pattern Book**

A visual presentation to the architectural styles of buildings including the following: height of cornice lines, roof profiles, finish materials, windows and ornamentation.

**Pawnshop**

A "pawnshop," as defined by Section 2, Texas Pawnshop Act (Article 5069-51.02, Vernon's Texas Civil Statutes), which has been licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes).

**Peak Hour Trips (PHT)**

The number of traffic units generated by and attracted to the proposed development during its heaviest hour of use dependent on type of use.

**Peak-shaving**

Controlling post-development peak discharge rates to pre-development levels by providing temporary detention in a BMP.

**Perimeter Street**

A Street adjoining the exterior boundaries of a subdivision plat or Master Development Plan.

**Permit**

A license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought. (Source: VTCA

Local Government Code § 245.001). A “development permit” includes any of the following: a subdivision plat, a conditional use permit, a building permit, or a certificate of occupancy. A “development permit” does not include a certification of completeness, a letter of certification, an amendment to the text of this Chapter, or a rezoning.

***Permit rights***

The right of a property owner or developer to complete a project under the rules, regulations and ordinances in effect at the time the project was initiated through a permit as herein defined. When permit rights exist for property within the boundaries of a project, ordinances passed after the date the project is initiated shall not apply to the project except as specifically provided within this section.

***Peripheral areas***

An obstruction-free area encompassing all sides of the actual touchdown and operation areas of a heliport or helistop.

***Permanent residence***

The residential address inhabited and maintained by the property owner and which is also listed with the United States Postal Service and with the Texas Department of Public Safety as the property owner's official residence.

***Person***

Any natural person, corporation, partnership, joint venture, association (including home owner's or neighborhood associations), trust, or any other entity recognized by law.

***Personal services***

Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as laundry cleaning and garment services, garment pressing, linen supply, diaper service, coin-operated laundries, dry cleaning plants, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, hat cleaning, funeral services, reducing salons and health clubs, and clothing rental.

***Pervious Pavement***

A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2-32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

***Phased Construction Project***

Any land development project which is developed in greater than a single phase. Such projects are identified by the issuance of permits or approvals of submittals to the City.

***Physical or mental impairment***

Orthopedic, visual, speech, or hearing impairments, Alzheimer's Disease, Pre-sterile Dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.



**Pitch**

The slope of a roof as determined by the vertical rise in inches for every horizontal twelve inch (12") length (called the "run"). Pitch is expressed with the rise mentioned first and the run mentioned second. For instance, a roof with a four inch (4") rise for every horizontal foot has a 4:12 pitch.

**Planned Capital Improvement**

A Capital Improvement which does not presently exist, but which is included within the Capital Improvements Program, and is funded, constructed, or otherwise made available within the time period prescribed by § 35-505(d)(2) of this Chapter.

**Planning area**

The corporate limits and extra-territorial jurisdiction of the City of San Antonio.

**Plat**

A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets which has been approved by the planning commission and recorded in the office of the county clerk. A plat includes a replat.

**Pollution**

The alteration of the physical, thermal, chemical or biological quality of, or the contamination of, any water.

**Pollutants**

Any element, chemical, compound, organism or material which alters the chemical, physical, biological, and or radiological integrity of water.

**Porch**

A roofed area, which may be glazed or screened, attached to or part of and with direct access to or from a structure and usually located on the front or side of the structure.

**President/CEO**

The President/Chief Executive Officer of the San Antonio Water System.

**Principal Arterial**

A Street which connects two or more subregions; provides secondary connections outside cities; complements freeway in high volume corridors, as designated in the Thoroughfare Plan (see § 35-505, Table 505-1).

**Principal Building Or Principal Structure**

A building or structure or, where the context so indicates, a group of buildings or structures, in which the Principal Use of a lot or parcel is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

**Principal Dwelling**

A Dwelling Unit which constitutes the Principal Building or Principal Structure on a lot or parcel.

**Principal Structure**

See Principal Building or Principal Structure.

**Principal Use**

The primary or main use of land or structures, as distinguished from a secondary or accessory use.

**Private club**

See Club.

**Process**

The act of reviewing an Application and providing a decision thereon which includes providing notice to the Applicant and interested parties, conducting a hearing, making recommendations, and rendering a decision.

**Processing and warehousing**

The storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

**Project**

An endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor. Within the context of § 35-710 (Permit Rights), "project" shall mean an endeavor over which the city exerts its jurisdiction and for which a preliminary overall area development plan, a plat, plat application or a building permit is required to initiate or continue the endeavor. Within the context of permit rights which existed prior to September 1, 1997, project shall mean an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate or continue the endeavor.

**Projected Traffic**

The traffic which is projected to exist on an existing or proposed street exclusive of site-generated traffic.

**Property owner**

The person, entity, corporation, or partnership in whose name a certificate of occupancy issued, or the current owner of the property if a certificate of occupancy is no longer valid, or, if the current owner cannot be contacted after due diligence, the lessee/occupant of the property who is in apparent control of such property.

**Proposed Development**

The uses, structures, buildings, and/or other Development proposed by an Application for Development Approval.

**Protected tree**

A tree, of any species, having a trunk size equal to or larger than the size (eight (8) inches or ten (10) inches DBH) associated with a particular minimum tree preservation percentage (twenty-five (25) percent, thirty (30) percent, forty-five (45) percent or fifty (50) percent), for residential, multifamily, commercial or other type of development as set forth in section 35-6127 of division 2 of this article. For multi-trunk species, this measurement will be based on the measured diameter of the main trunk taken four and one-half (4 1/2) feet above grade together with one-half (1/2) of the diameter of the remaining trunks measured at the same height.

**Public Art**

Means unique artwork in a variety of media that may be an integral part of eligible capital improvement projects, and produced by professional artist, or artist in collaboration with an architect, landscape architect or engineer. Works may be permanent or temporary, functional or non-functional.

**Public Art Committee**

A sub-committee of the Historic and Design Review Commission that makes recommendations to the Department of Public Works' Design Enhancement Program and the Historic and Design

Review Commission on Design Enhancement projects related to the processes of the Design Enhancement Program.

**Public property**

Property which is owned by the City of San Antonio.

**Public right-of-way**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and used or intended to be used, wholly or in part, as a public street, alley, walkway, drain or public utility line.

**Public right-of-way (2)**

An area or strip of land, either public or private, occupied or intended to be occupied by a street, walkway, railroad, utility line, drainage channel, or other similar uses.

**Quadrplex**

See Dwelling four-family.

**Quarry**

A tract of land used primarily for the extraction of limestone, or other similar materials for processing, sale, or use for any purpose. This term does not include exploration, excavation or extraction of oil or natural gas or excavation or grading necessary for the development of a lot or tract.

**Rated resource**

A building, object, site, or structure which has been inventoried and reviewed by the Historic and Design Review Commission using criteria set forth in this chapter, and listed as either Exceptional, Significant, Not Significant, or Not Rated.

**Rear yard**

An area extending the full width of lot between the rear lot line and the nearest principal structure.

**Reconstruction**

The act or process of reassembling, reproducing, or replacing by new construction, the form, detail, and appearance of property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of original materials.

**Recreational Vehicle**

A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreation facility, neighborhood**

Those recreational facilities operated on a nonprofit basis to include a swimming pool, wading pool, tennis courts, badminton courts, play areas, clubhouse all to be used exclusively by and for the benefit of dwelling owners, tenants and their guests in certain defined adjoining areas.

**Recycling business**

A business that is primarily engaged in:

(A) converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;

(B) using raw material products of that kind in the production of new products; or

(C) obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by Paragraph (A) or (B).

***Regional agent boundary***

The geographical area established by Texas Water Quality Board Order No. 72-0120-1, dated January 20, 1972, as amended and as may be amended, within which the city is designated as the responsible governmental agency to construct, operate, and maintain sanitary sewer systems.

***Regional distribution facility***

Buildings and structures, used or to be used primarily to receive, store, service or distribute goods or materials where a majority of the goods or services are distributed to points at least fifty (50) miles beyond the San Antonio city limits. (Cross-Reference: Impact Fee Standards)

***Regional stormwater improvements (RSI)***

Means regional detention and retention ponds, watershed protection, land purchase, waterway enlargement, channelization, and improved conveyance structures.

***Regional tourist entertainment facility***

Buildings and structures, including fixed machinery and equipment, used in providing amusement/entertainment through the admission of the general public where the majority of users reside at least one hundred (100) miles from Bexar County and are likely to stay in the city for more than one (1) day.

***Regional tourist entertainment facility (2)***

Buildings and structures, used or to be used in providing amusement or entertainment through the admission of the general public where the majority of users reside at least one hundred (100) miles from Bexar County and where the majority of users are likely to stay in the city for more than one day and will therefore likely utilize local restaurants and hotel/motel accommodations. To be classified as a regional tourist entertainment facility, a minimum of ten million dollars (\$10,000,000.00) in real property improvements must be invested. (Cross-Reference: Impact Fee Standards)

***Registered family home***

A child-care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time.

***Regulatory 100-year Floodplain***

The land within the community subject to flooding during a 100-year frequency storm event assuming ultimate development has occurred throughout the watershed. The Regulatory 100-year Floodplain is limited to the reach of the stream which is designated as an area of special flood hazard on the Flood Insurance Rate Maps.

***Rehabilitation***

The act or process of returning a building, object, site, or structure to a state of utility through repair, remodeling, or alteration that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site, or structure that are significant to its historical, architectural, and cultural values.

**Relocation**

Any change of the location of a building, object or structure in its present setting or to another setting.

**Repetitive Loss**

Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Reservation or "Reserve"**

The designation of a portion of a property for a proposed right-of-way without dedication of the right-of-way to the agency providing the facility.

**Reserve capacity agreement**

Agreement between the board and a developer of a tract of land whereby impact fees may be collected and the five (5) year statutory service availability date waived in order to reserve future capacity in accordance with V. T. C. A., Local Government Code Section 395.019(3).

**Residential development**

All areas zoned as R-4, R-5, R-6, R-20, RE, RM-4, RM-5, RM-6, MF-24, MF-33, MF-40 or MF-50, or otherwise zoned or devoted primarily to residential use, and shall include all other areas not zoned or used primarily for commercial or industrial use.

**Residential district or Residential Zoning District**

Any of the following zoning districts: R-4, R-5, R-6, R-20, RE, RM-4, RM-5, RM-6, MF-24, MF-33, MF-40 or MF-50.

**Residential driveway approach**

A driveway which provides access to property on which a single-family residence, duplex, or multifamily building containing five or fewer dwelling units is located.

**Residential property**

A building, site, or structure whose use after rehabilitation or restoration (for ad valorem tax exemption) will be for residential uses, i.e., for single family, duplex, three, or four family dwelling.

**Residential streets**

Street routes that provide access to local property owners and which connect property to the major thoroughfare or other collector street networks.

**Residential structure**

A single-family home, apartment house, townhouse, condominium or any type of dwelling unit.

**Residential Zoning District**

Any of the following zoning districts established pursuant to Article III of this Chapter: "RE" Residential Estate, "R-20" Residential Single-Family, "R-15" Residential Single-Family, "R-10" Residential Single-Family, "R-8" Residential Single-Family, "R-6" Residential Single-Family, "R-5" Residential Single-Family, "R-4" Residential Single-Family, "MF-20" Multi-Family, "MF-30" Multi-Family, "MF-40" Multi-Family, or "MF-50" Multi-Family.

**Resource**

A source or collection of buildings, objects, sites, structures, or areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the nation, state, or city.

**Restoration**

The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacements of missing earlier work.

**Restricted parking area**

The area within the front yard of a lot within which the parking of oversized vehicles is regulated. This area extends to a depth of fifteen (15) feet from the street curb or, if there is no curb, from the edge of the roadway whether paved or unpaved.

**Restrictive Covenant**

A covenant creating restrictions applicable to development within a subdivision pursuant to Title 11 of VTCA Property Code.

**Retail trade**

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of retail trade establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) the establishment may process some of the products, but such processing is incidental or subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.

**Retail Use**

Any use engaged in retail trade, including any use listed under the category "Retail" in the Use Matrix.

**Reverse Curve**

A segment of a Street at which two horizontal curves reverse direction.

**Reviewing Agency**

Any agency of the City charged with the authority to render a decision approving, denying, or approving with conditions, an Application for Development Approval.

**Right-of-way**

Property that is publicly owned or upon which a governmental entity has an express or implied property interest (e.g. fee title, easement, etc.) held for a public purpose. Examples of such public purpose include, by way of example and not limitation, a highway, a street, sidewalks, drainage facilities, sewerage and water facilities.

**River Walk area**

The area along the San Antonio River at the South Alamo Street bridge up stream to the McAllister Freeway (U.S. 281), including the riverbend and all manmade extensions, from the center line of the San Antonio River to private property lines and all private and public property abutting thereon. The area also includes public property extending from the San Antonio River east to Alamo Street, which area is known as the Paseo del Alamo.

**Roadway**

The portion of a municipal street that is improved, designed, or ordinarily used for vehicular travel. The term does not include a curb, berm, or shoulder. [Source: VTCA Transportation Code § 316.001]

**Roadway paving width**

The portion of a street available for vehicular traffic; where curbs are laid, the portion between the face of curbs.

**Roof sign**

A sign erected and constructed wholly on or above the roof of a building, supported by the roof structure.

**Rooming house**

See Boarding house.

**Root collar**

An encircling structure of swollen tissue or a marked color change (from the tree bark) located at the highest part of the root system joining into the trunk of a tree at or slightly below the surrounding soil line.

**Root protection area:**

An area in which limited construction may take place for the purposes of establishing sidewalks, driveways, utility connections, sodding and landscaping within single-family, two-family and three-family development.

**Root protection zone:**

An area with a radius of one-half (1/2) foot for each inch DBH of trunk, or if branching occurs at four and one-half (4 1/2) inches, the diameter is measured at the point where the smallest diameter closest to the branching occurs. The zone need not be exactly centered around the tree or circular in shape, but it should be positioned so that no disturbance occurs closer to the tree than one-half (1/2) of the radius of the zone or within five (5) feet of the tree, whichever is less. For any tree or groups of trees, the zone need not exceed one thousand (1,000) square feet in size. The radial root protection zones of trees may overlap one another so that the area of protection required for one (1) tree may be shared by the area of protection required for another tree to minimize the total square footage of protected area where possible.

**Runway**

A defined area on an airport prepared for landing and taking-off of aircraft along its length, and includes planned future paved runways and extensions of runways as shown on the official airport layout plan and on the airport hazard zoning maps of these regulations.

**Safety lane**

A designated area on an approved plat which has a primary purpose of providing access for safety vehicles.

**San Antonio planning area**

Bexar County and all land within the city's extraterritorial jurisdiction outside of Bexar County.

**Sand or gravel pit**

A tract of land used primarily for the extraction of soil, sand, gravel, clay and other similar materials, other than oil or gas, which are processed and sold or used for commercial purposes. This term does not include the excavation or grading necessary for the development of a lot or tract.

**Sanitary landfill**

A controlled area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by an administrative agency of the State of Texas.

**Satellite dish antenna:**

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, cone, or horn; and is to be used to transmit and/or receive electromagnetic waves between terrestrially and/or orbitally based uses.



**Scale**

The relationship of a building or structure to its surroundings with regard to its size, height, bulk, and/or intensity.

**School**

An institution or place for instruction or education, such as kindergarten, elementary, middle or junior high school, high school, college or university.

**School, business or commercial trade**

A business organized to operate for a profit, offering instruction and training in a trade, a service or art.

**School, Public**

A building or structure, including accessory buildings, grounds, or areas, owned and operated by school or university which is part of a school district or system organized pursuant to Article VII of the Texas Constitution, including any public school organized under VTCA Education Code, Titles 2, and any "General academic teaching institution" or "Institution of higher education" as defined in VTCA Education Code § 61.003, and which are used for teaching, research, or the preservation of knowledge.

**Screen**

Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

**Sedimentation basins**

Sedimentation basins remove pollutants by creating conditions under which suspended solids can settle out of the water column.

**Septic System**

Septic tank system shall mean a system for the treatment of sewage or water-borne wastes from a dwelling or business establishment. The septic tank system shall consist of a watertight drain line from the house to a watertight septic tank, a distribution box and an absorption field consisting of trench, gravel and disposal line. (Source: City Code, § 34-441)

**Servant's quarters**

An accessory building or portion of a main building located on the same lot as the principal building, occupied only by such persons and their families as are employed full time by occupants of the principal residence.

**Service area**

One of two (2) areas in the planning area designated by the Capital Improvements Plan in which the board shall assess impact fees under the provisions of this article for the extension of sanitary sewer service. The two (2) service areas are the Inner Service Area (ISA) and the Outer Service Area (OSA).

**Service unit**

A standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development and calculated in accordance with generally accepted engineering or planning standards for sanitary sewer capital improvements or facilities expansions. See definition for equivalent dwelling unit.

**Setback**

A line within a lot parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

**Sexually Oriented Business**

Includes any of the land uses defined as follows:

(1)Adult arcade means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are designed and maintained to show images to five (5) or fewer persons per machine or device at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2)Adult bookstore means an adult bookstore, adult novelty store, or adult video store where more than twenty (20) percent of its inventory (that is offered for sale, rental or viewing for any form of consideration to on-premises customers) or floor space consists of one or more of the following:

(a)Books, magazines, or sound recordings, or printed, visual or audio material of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or

(b)Non-contraceptive instruments, devices, toys, or paraphernalia designed for use in connection with specified sexual activities, books, magazines, pamphlets, pictures, drawings, photographs, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which, because of the depiction or description of specified sexual activities in the materials offered for sale, is restricted to adults. Novelty items designed as sight gags, advertised as such and not designed or advertised for sexual activity, are not instruments or devices as defined and regulated herein.

(3)Adult entertainment establishment means a nightclub, bar, restaurant "bottle club", "men's club", "gentlemen's club", "cabaret" or similar place of business, or portion thereof where live entertainment is provided for patrons, whether or not alcoholic beverages are served which features as a significant portion of the entertainment an emphasis on the exhibition, depiction, or description of specified anatomical areas or specified sexual activities; or a place where entertainment is provided to patrons wherein, because of the nudity or semi-nudity of person(s) employed by or associated with the operation of the business, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.

(4)Adult motel means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, in any form of consideration, which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photography reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and (b) which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets, leaflets, radio, or television.

(5)Adult motion picture theater means a business place where one or more films, videos, slides, motion pictures, or similar photographic reproductions are shown that have as a dominant theme, or are distinguished by, an emphasis on the depiction or

description of specified sexual activities for observation by patrons or guests, and where admittance to such showings are restricted to adults.

(6)Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features employees, volunteer patrons, or independent contractors, who appear nude or semi-nude and/or engage in specified sexual activity, or live performances which are characterized by exposure of specified anatomical areas or engagement in specified sexual activities.

(7)Massage parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of, or in connection with, such treatment, manipulation, or service related thereto, exposes specified anatomical areas. The definition of a massage parlors shall not include the practice of massage in any licensed hospital, nor by a licensed massage therapist, hospital, licensed physicians, surgeons, chiropractor, osteopath, nurse, technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers of any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

(8)Sexual encounter establishment means any business or commercial establishment that, as of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexual encounter establishment shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or medical professional, licensed by the state engages in medically approved and recognized therapy or treatment.

(9)Nude modeling studio means any place where a person who, for money or any form of consideration, appears in a state of nudity or displays specified anatomical areas, to be observed, sketched, drawn, painted, sculptured, photographed, or otherwise

depicted by other persons. This definition shall not include nude modeling by an adult that occurs in conjunction with art classes of a university, college, or any art class supervised by an art instructor paid by an arts school.

(10)Nudity attraction establishment means any place of business where nudity or semi-nudity is regularly or routinely advertised as a characteristic of the business or which regularly attracts patrons with nudity or semi-nudity.

Additional definitions are as follows:

(11)Specified anatomical areas means the human genitals, crevice of the buttocks, pubic region, anus, and the areola of the post puberty female breast.

(12)Specified sexual activity means actual and simulated human genitals in a state of sexual stimulation or arousal, actual or simulated human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, fondling or other erotic touching of human genitals, pubic region, buttock or female breast, and excretory functions as part of or in connection with the above described activity.

(13)Nude or nudity or state of nudity means a state of dress which fails to cover the human anus, genitals, pubic region, and the areola of the post puberty female breast.

(14)Semi-nude or semi-nudity or state of semi-nudity means a state of dress which fails to fully opaquely cover the crevice of the human buttocks, genitals, pubic region, and the post puberty female breast areola.

(15)Negative secondary effects means any one of the following conditions caused by geographic proximity to a sexually oriented business:

(a)Depreciation in surrounding property values; and/or

(b)Violations of law not limited to but including: indecent exposure, drug use, prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials, possession and distribution of controlled substances, public intoxication, disturbing the peace, and/or

(c)Adverse impact upon the City of San Antonio's central business district as a family oriented vacation destination.

### ***Sexually Oriented Business Regulations***

See § 35-391 of this Chapter.

### ***Sheet Flow***

See Overland Flow.

### ***Shop***

A use devoted primarily to the sale of a service or a product or products.

### ***Shopping mall***

An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common covered pedestrian mall.

### ***Shrub, large***

An upright plant growing to a mature height of more than10 feet for use a natural ornamentation or screening.

### ***Shrub, medium***

An upright plant growing to a mature height of 5 to 10 feet.

### ***Shrub, small***

An upright plant growing to a mature height of less than 5 feet.

### ***Side yard***

An area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

### ***Side Street***

A street intersecting another street with a higher street classification. (Example: a Collector Street adjoining an Arterial Street is considered a "side street.")

### ***Sidewalk***

The portion of a municipal street between the curb lines or lateral lines of a roadway and the adjacent property lines that is improved and designed for or is ordinarily used for pedestrian travel. [Source: VTCA Transportation Code § 316.001]

**Sidewalk café**

An outdoor dining area that is located on a sidewalk and that contains removable tables, chairs, planters, or related appurtenances. [Source: VTCA Transportation Code § 316.001]

**Sign**

See Chapter 28, Signs and Billboards.

**Sign**

Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign area**

The entire advertising area of a sign excluding any framing, trim, or moulding and the supporting structure.

**Sign, billboard (off-premise)**

Any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, structure or thing which directs the attention of the travelling public to a business, commercial product, commercial activity, or commercial service, conducted, sold or offered at a location other than the premises on which the sign is located.

**Significant historic landmarks**

- (1) Those buildings, objects, sites or structures of historical, cultural, architectural or archaeological importance whose demolition or destruction would constitute a serious loss to the quality and character of San Antonio; and (2) inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public.

**Significant stand of trees or shrubs**

A clustering of at least three (3) trees, of two and one-half (21/2) inches of caliper or greater in size and trunks spaced at no greater than ten-foot intervals.

**Single-family dwelling**

See Dwelling, one-family.

**Single-family residential development**

A development consisting of a lot or lots, containing only one dwelling unit. The dwelling unit may be detached or attached, townhouse, small lot, home, manufactured home, or mobile home.

**Site**

The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or cluster, whether standing, ruined, or vanished, where the location itself maintains historical, architectural, archaeological, or cultural value regardless of the value of any existing structure.

**Site-Generated Traffic**

Vehicular trips attracted to, or produced by, the proposed development site.

**Slope**

The ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance by the horizontal distance, and multiplying the ratio by one hundred. For purposes of this Chapter, a "slope" shall include only those areas with a horizontal distance of at least fifty (50) feet.

**Small animal breeder**

Any person or establishment that breeds and/or engages in the feeding or care of more than ten (10) adult animals other than fish that do not normally exceed five (5) pounds at maturity, including but not limited to, white rats, gerbils, guinea pigs, prairie dogs, gophers, chipmunks, frogs, lizards, the smaller nonpoisonous varieties of snakes, and non-poultry fowl such as parakeets, parrots, doves, pigeons, cockatiels, and canaries.

**Small lot home**

See Dwelling, small lot home.

**Small tree**

A tree of a species which normally reaches a height of less than thirty (30) feet upon maturity.

**Soils**

Dirt, sand and other similar earth matter, and shall also mean rocks and other solid or semisolid mass material, whether produced by man or nature, but shall not include the matter composing the infrastructure or appurtenances thereto.

**Solid waste**

Any garbage; refuse; sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities, but does not include: (1) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26 of the Texas Water Code; (2) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or (3) waste materials which result from activities associated with the exploration, development, or production of oil or gas and are subject to control by the Railroad Commission of Texas.

**Solid waste facility**

All continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and consist of several processing, storage, or disposal operational units; e.g., one or more landfills; surface impoundments, or combinations of them.

**Special merit**

A building, object, site or structure having significant benefits to City of San Antonio or to the community by virtue of exemplary architecture, specific features of land planning, or historic social, cultural or other benefits having a high priority for community services.

**Specified anatomical areas**

Any showing of either the adult or minor human male or female genitals, anus or pubic area with less than a full opaque covering, or the showing of the post-puberty female areola with less than a full opaque covering.

**Specified sexual activities**

Acts of masturbation, sexual intercourse, homosexuality or lesbianism, sodomy, fellatio, sadomasochism, or physical contact with a person's own or another's specified anatomical areas.

**Stabilization**

The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, or structure while maintaining the essential form as it exists at present.

**Start of construction**

The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation.

**Steep Slope**

A [slope](#) exceeding fifteen percent (15%).

**Store**

A use devoted exclusively to the retail sale of commodity or commodities.

**Stormwater drainage fees**

A method or mix of methods for providing adequate, stable and equitable funding for a comprehensive stormwater or drainage program. The financing mechanisms included in the method may include, but not be limited to, user fees, new development impact fees, or surcharges on other utility fees.

**Start of construction**

Start of construction means for all new construction and substantial improvements, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation for a foundation; or the placement of manufactured home on a foundation. Permanent construction includes land preparation, such as clearing, grading and filling; includes the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. The start of construction period is valid for one hundred eighty (180) days. Any delay beyond this period would require resubmission of added data and the permit application.

**Story**

That part of a building between the surface of a floor and the ceiling immediately above.

**Streamflow**

Water flowing in a natural channel, above ground.

**Street**

Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street lines, whether improved or unimproved.

**Street, Arterial**

A street use primarily for fast or heavy traffic and designated in the major thoroughfare plan as a primary arterial street, secondary arterial street or express way.



**Street, Collector**

A street which provides some access to abutting property and collects traffic from local streets and connects with the major system of arterial streets and highways. A Collector Street does not include a street designated as "Local Type B."

**Street, Cul-de-sac**

A street with a single common ingress and egress and with a turnaround at the end.

**Street, Dead end**

A street with a single common ingress and egress.

**Street, Elbow**

A turn in a minor street that includes extra pavement adequate for a turnaround.

**Street, Eyebrow**

A paved area placed along the linear portion of a street which allow both unimpeded through and turnaround traffic movements.

**Street, Intersection**

The area in which two (2) or more streets cross at grade.

**Street, Local**

A street designed to provide vehicular access to abutting property and to discourage through traffic.

**Street, Local "Type A"**

A street used for primary and secondary access to single-family detached residential units or duplex residential units where such residential units comprise seventy-five (75) percent of the abutting street frontage on both sides of a particular block.

**Street, Local "Type B"**

A street used for primary and secondary access to all residential areas except those specified to be served by a "Type A" local street. Also, this street shall be used for secondary access and circulation to community facilities (schools, parks, etc.), and other traffic generators such as commercial and industrial areas.

**Street, Private**

Any street not dedicated to the public and to be maintained by a private entity.

**Street, Stub**

A temporary portion of street not greater than one lot's length, allowed as a future connection to an adjacent subdivision or phase.

**Street Classification**

See § 35-505, Table 505-1.

**Street lawn**

A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way providing a pleasing view from the road, and to provide a transition from vehicular thoroughfares, pedestrian areas or the built environment.

**Street Link**

A section of a street on the Major Thoroughfare Plan, or a Local Street, which is defined by a Node at each end or at one end. Stubs to adjacent property shall not be considered Links.

**Street tree**

A tree planted along a street or roadway behind the right-of-way line or between a sidewalk and the edge of the paved surface of a roadway.

**Street yard**

The area of a lot or parcel which lies between the property line along a dedicated street and the actual wall line of the building or, if no building exists, to the rear property line. Such building wall lines extend outward from the corners of the buildings as illustrated in Attachment A.

**Streetscape**

The general appearance of a block or group of blocks with respect to the structures, setbacks from public rights-of-way, open space and the number and proportion of trees and other vegetation.

**Structure**

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

**Structured Parking**

The provision of parking in a building involving at least two levels.

**Study area boundary**

For purposes of the Adequate Public Facilities Standards, the boundary identified in § 35-502(h)(6) of this Ordinance for a Traffic Impact Analysis.

**Subdivider**

Any person, or their agent, having an interest in land that is the subject of an application for subdivision.

**Subdivision**

A division of any tract of land into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out suburban, building, or other lots, or streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. A subdivision includes a resubdivision (replat).

**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Subject Property**

The property subject to an Application for Development Approval.

**Substantial rehabilitation**

Certified improvements to a historic building in which the cost of the project is equal to or greater than fifty (50) percent of the appraised pre-rehabilitation improvement value of the property and which constitutes major work on enhancing existing mechanical or structural systems that preserve the historical integrity, while extending the life of the building.

**Swale**

A low lying or depressed stretch of land without a defined channel or tributaries.

**Symmetry**

A balance of architectural components in a structure.

**Tavern**

Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption which may or may not include dancing.

**Temporary common worker employer**

A person or agency that provides common worker employees to a third party user, that maintains a central location where common workers assemble and are dispatched to work, and that is required to obtain a license from the Texas Department of Licensing and Regulation.

**Tertiary containment**

A method by which a third level of containment is provided for underground storage tanks by means of a wall or barrier installed around a double-walled tank and piping system (or approved alternative) in a manner designed to prevent a release of the regulated substance from migrating beyond the tertiary wall or barrier before the release can be detected if a failure in the secondary containment level occurs.

**Tertiary protection**

A method by which a third level of protection is provided for underground storage tank systems by means of either 1) a physical level to be installed around a double-walled tank and piping system, designed to prevent a release of the regulated substance from migrating into the environment, should such a release go undetected at the secondary containment level; or 2) equivalent technology, which shall include: a. continuous electronic leak detection for the entire system at a centralized location, with dedicated personnel; b. site specific training; c. annual testing for system integrity; and d. reporting to the San Antonio Water System any release from the primary system.

**Texas Antiquities Code**

Chapter 191 of VTCA Natural Resources Code, as may be amended from time to time.

**Thematic group**

A finite group of resources related to one another in a clearly distinguishable way, by association with a single historic person, event or developmental force, as one building type or use, as designed by a single architect, as a single archaeological site form, or as a particular set of archaeological research.

**Townhouse**

A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a fire wall (to be constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides.

**Traditional Neighborhood Development Regulations**

See § 35-201 of this Ordinance.

**Traffic impact analysis**

A study performed by engineers with expertise in traffic engineering principles and practice which reviews development of a specific property and how it integrates into the existing and proposed city street network and ongoing traffic study. The analysis utilizes data and conclusions developed in previous studies, and identifies improvements needed to mitigate the impact of traffic generated by a development on the street network system.

**Transit Station**

A building, structure, or area designed located on a Busway or a Light Rail Line and used for passenger pickup, drop off, embarking, or changing transportation modes. Facilities and improvements may include shelters, benches, signs, structures, and other improvements which provide security, weather protection, and access to nearby services.

**Transitional home**

A residential facility, differentiated from facilities, sometimes referred to as a rehab center and/or half-way house, which provides onsite supervised lodging for individuals who are required to reside at the facility as a term of parole or under mandatory supervision.

**Transparent**

Capable of transmitting light in a manner which permits a person standing outside of a building to view shapes, tones, and objects inside a building. A tinted window is considered "transparent" if it meets the requirements recited herein.

**Transportation Standards**

See § 35-513 of this Chapter.

**Tree**

A perennial woody plant, single or multiple trunks, with few if any branches on its lower part, which at maturity will obtain a minimum six-inch caliper.

**Tree, ornamental**

A small to medium tree, growing to a mature height of 15 to 40 feet.

**Tree, shade**

A large tree growing to a height of 40 feet or more at maturity.

**Tree preservation permit**

An authorization by the city arborist authorizing specific work as it relates to protected and mitigation tree(s).

**Trip Generation Summary**

A table summarizing the trip generation characteristics of the development for the entire day and the a.m. and p.m. peak periods including the rates and units used to calculate the number of trips. Information on appropriate trip generation rates and procedures may be obtained by contacting the Public Works Department. Institute of Transportation Engineers trip rates will be used unless a better source is identified and is acceptable to the Director of Public Works or his/her designee.

**Triplex**

See Dwelling three-family.

**Underground storage tank**

Any one or combination of underground storage tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten (10) percent or more below grade.

**Underground storage tank system**

An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary and tertiary containment equipment (as applicable), and all other related systems and equipment.

**Understory:**

Assemblages of natural low level woody, herbaceous and ground cover species.

**Unflooded Access**

Means that vehicular traffic has safe access to a property from a public street in times of flood (Regulatory 100-year flood). A property will be considered to have unflooded access to an existing street if flow depths for access on the street adjacent to the property do not exceed one foot (1') and fall within the safe range on Figure 504-2 "Dangerous Conditions on Crossing During Floods."

**Unrated resource**

A building, object, site or structure which appears on a federal, state, or city inventory or survey but has not been reviewed and rated by the Historic and Design Review Commission following criteria set forth this chapter.

**Unreasonable economic hardship**

An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return on the value of his property as an investment, applying the test utilized by the Supreme Court of Texas in construing Article I, Section 17 of the Constitution of the State of Texas, 1876, in determining the existence of an unreasonable economic hardship.

**Unusual and compelling circumstances**

Those uncommon and extremely rare instances, factually detailed, which would warrant a Historic and Design Review Commission recommendation due to the evidence presented.

**Use**

The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**Use Matrix**

The list of uses permitted by right, prohibited, or permitted as a conditional use as set forth in § 35-311, Tables [311-1](#) and [311-2](#), of this Chapter.

**Utilities Standards**

See § 35-514 of this Chapter.

**Variance:**

Any of the following:

- A request to the planning commission for permission to vary or depart from a requirement of Articles IV or V of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

- A request to the board of adjustment for permission to vary or depart from a requirement of article III of this chapter where, due to special conditions, a literal enforcement of the requirement will result in an unnecessary hardship.

For purposes of the Floodplain Ordinance, a variance is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this division. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**Verification**

The confirmation by the historic and design review Historic and Design Review Commission that restoration or rehabilitation work completed on a historically significant site in need of tax relief to encourage preservation was substantially completed.

**Very-Low Income Housing**

Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed fifty percent (50%) of the area median household gross income for households of the same size in the San Antonio metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

**Vested capacity right**

A vested right to the exclusive use of a specified amount of sewerage treatment and/or collection capacity created by the payment of an impact fee in accordance with the provisions of this article or created by the payment of sewer platting fees under the articles and policies of the board for the extension of sanitary sewer service prior to the date of enactment of this article.

**Vista**

A view through or along an avenue or opening, including those along the banks of the San Antonio River, which, as a view corridor, frames, highlights or accentuates a prominent building, object, site, structure, scene, or panorama, or patterns or rhythms of buildings, objects, sites, or structures; to include views of areas at a distance, such as a remote view of the downtown or the San Antonio River.

**Viewshed**

Any area of open sky or view behind: (1) the major entrance to a designated historic landmark building, object, site or structure; (2) the primary access point or points to a designated historic district; (3) the primary access to a major tourist attraction or amusement park; or (4) the primary view or access point to the San Antonio River Walk, a city lake or amusement park that has been defined by Article III, Division 6, Subdivision F of this chapter.

**Vine**

A woody plant that spreads as it grows over the ground, walls or trellises.

**Violation**

For purposes of the Floodplain Ordinance, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

**Visually Compatible**

The relationship between the scale and design of buildings as defined in § 35-609 of this Chapter.

**Xeriscape**

Landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

**Warehousing**

See Processing and warehousing.

**Water Surface Elevation**

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse**

A natural or man-made channel through which stormwater flows.

**Watershed**

The area drained by a given stream, river, watercourse, or other body of water.

**Watershed Protection and Management Department (WPMD)**

The department within the San Antonio Water System (SAWS) designated to apply the provisions of the Edwards Aquifer Overlay District.

**Wetland**

See Texas Natural Resources Code, § 221.001.

*[Commentary: this statute presently defines "wetland" as follows: "land that: (A) has a predominance of hydric soil; (B) is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (C) under normal circumstances does support a prevalence of that vegetation.]*

**Wheelchair ramp**

A sloping concrete pad constructed at crosswalks to assist mobility-impaired citizens using the sidewalks and crosswalks.

**Wholesale trade**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Window**

An opening constructed in a wall and which admits light or air to an enclosure, is framed and spanned with glass, and which may be mounted to permit opening and closing.

**Wireless Communications Standards**

See § 35-388 of this Chapter.

**Wireless communication system**

Antenna support structures for mobile and land based telecommunication facilities. Whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities and commercial radio service. This facility is inclusive of the placement of the above referenced equipment on a monopole tower, a



steel lattice tower and any self supporting communication tower which does not utilize guy wire support. This facility shall also allow as one of its components an unmanned equipment shelter.

***Woodland***

An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a continuous canopy. For purposes of submitting a Master Site Plan, a Woodland shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet, and may be delineated through an aerial photograph or a ground survey.

***Xeric Landscaping***

A type of landscaping that conserves water and protects the environment by using site appropriate plants, an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches and proper maintenance. Xeric landscaping does not refer to the use of cactus and/or rock gardens in a landscape design.

***Yard***

An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

***Zero lot line***

The location of a building on a lot in such a manner that one (1) or more of the buildings sides rests directly on or immediately adjacent to the lot line.

## Abbreviations

ADA	Americans with Disabilities Act, 42 USC Subsection 12181 et seq., Pub. L 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36
CIP	Capital Improvements Program
CLOMR	Conditional Letter of Map Revision (see Floodplain Ordinance)
CFR	Code of Federal Regulations
CPS	City Public Service
EARZ	Edwards Aquifer Recharge Zone
FAR	Floor Area Ratio
Ft.	foot or feet
HDRC	Historic and Design Review Commission
HUD	United States Department of Housing and Urban Development
HPO	Historic Preservation Officer
LOMR	Letter of Map Revision (see Floodplain Ordinance)
MPO	Bexar County Metropolitan Planning Organization
Max.	Maximum; indicates that the value prescribed is the maximum allowed
Min.	Minimum; indicates that the value prescribed is the minimum required
MUTCD	Manual on Uniform Traffic Control Devices published by the United States Department of Transportation, Federal Highway Administration
PMP	Probable maximum precipitation flood (See Stormwater Management Standards)
PUD	Planned Unit Development
RSWF	Regional Storm Water Facilities
RSWMP	Regional stormwater management program
SAWS	San Antonio Water Systems
Sf	Square feet
TND	Traditional Neighborhood Development
TOD	Transit Oriented Development
TNRCC	Texas Natural Resources Conservation Commission
TXDOT	Texas Department of Transportation
USC	United States Code
USGS	United States Geological Survey
VTCA	Vernon's Texas Codes Annotated